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EVALUATION OF THE CANADIAN GUN CONTROL LEGISLATION

Final Report

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Programs Branch/Direction des programmes
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by

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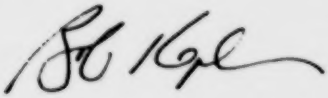
FOREWORD BY THE SOLICITOR GENERAL OF CANADA

When amendments to the firearms provisions of the *Criminal Code* were being considered by Parliament in 1977, the Government made a commitment to conduct a thorough and objective evaluation of the effectiveness of the firearms control program. Decision Dynamics Corporation, an independent consulting firm specializing in research related to the Criminal Justice system, was retained to carry out a three year study of the program. This is the final report based on their findings after three full years of data collection.

The process of evaluation is an important step towards the achievement of ongoing administrative and legislative improvements. The detailed information and findings of this evaluation study will greatly assist in assessing the degree to which the objectives of the firearms control provisions of the *Criminal Code* are being met. Of course, care must be exercised in reaching firm conclusions about the effectiveness of the program because of the large number of variables involved in this complex area of social research. Nevertheless, I am encouraged to note that the report concludes that the large number of changes in the rates of various types of firearms incidents and sentencing patterns indicate that the legislative amendments adopted by Parliament in 1977, and their effective administration have a positive impact.

My Ministry's publication of the work of independent researchers always carries a traditional and important disclaimer to the effect that the views of the authors do not necessarily reflect the views of the Solicitor General of Canada. In this case, the disclaimer is particularly important because it gives emphasis to the independence and objectivity of the researchers' work.



Bob Kaplan, P.C., M.P.

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Third, a deep indebtedness to Miss Elizabeth Wall must be acknowledged. The typing of the many drafts of the report and its tables and figures was a long and time consuming undertaking. But it was one which she completed, often in harrassed circumstances, with extraordinary dedication and persistence which went well beyond the call of duty.

ABSTRACT

This is the final report on a three-year study of the effectiveness of those provisions of the *Criminal Law Amendment Act*, 1977 which amended the *Criminal Code* sections relating to firearms control in Canada.

Two types of analyses have been conducted. The first was an "outcomes analysis" in which the incidence of crimes, accidents and suicides with firearms before and after the legislation have been examined in order to assess whether the legislation has promoted a reduction in firearms misuse. In a considerable number of cases, a decline in the proportion of occurrences with firearms subsequent to the legislation has been found. Most of these declines were modest, but in view of the consistency among the various statistics, it is concluded that the legislation did have a moderate impact on the use of firearms in Canada.

The other type of analysis was a "process analysis" which examines the implementation of the means of firearms control, for example, types of sentences imposed on conviction for criminal offences using firearms. Overall, the methods of firearms control encouraged by the legislation have been used. For example, convictions for firearm offences resulted in more severe sentences after 1979. Two notable exceptions relate to the infrequent implementation of mandatory prohibition orders following convictions of specified criminal offences, and the apparently infrequent compliance with the requirement that a report or return be given to a magistrate following a firearms search and seizure conducted on the grounds that the safety of an individual has been threatened. Notwithstanding these exceptions, the study has found that generally the police and judicial systems have effectively implemented the provisions of the legislation.

EXECUTIVE SUMMARY

INTRODUCTION

This report was prepared by Decision Dynamics Corporation on behalf of the Ministry of the Solicitor General of Canada. It is the third and final report on a three-year evaluation of the firearms control provisions found in Bill C-51, a Bill adopted by Parliament as the *Criminal Law Amendment Act*, 1977. The Act contained major amendments to the *Criminal Code* provisions governing firearms in Canada. Most of the amendments came into force on January 1, 1978. They included the imposition of stricter controls on the issuance of registration certificates which are necessary to acquire restricted weapons such as handguns, the creation of new types of firearms prohibition orders, the authorization of search and seizure without a warrant when a criminal offence may not necessarily have occurred, the creation of new criminal offences in relation to firearms use, and the provision for more severe penalties for the criminal use of firearms. On January 1, 1979, new provisions came into force requiring individuals to obtain a Firearms Acquisition Certificate (FAC) in order to acquire a firearm and requiring businesses not only dealing in restricted firearms, but also those dealing in non-restricted firearms and ammunition to acquire a business permit.

METHODOLOGY

The objectives of the firearms control provisions are to reduce access to firearms by potentially dangerous or irresponsible users; to reduce the criminal use of firearms; and to encourage responsible handling, storage and use of firearms. Two means were used to assess whether these objectives were met:

- — *outcome* analyses of changes in the number of crimes, accidents, and suicides with firearms since the legislation was enacted; and
- — *process* analyses of the implementation and effect of procedures and practices associated with the legislation, that is, screening, sentencing, prohibition, search and seizure, safe handling and storage, and the regulation of businesses.

Data were collected from federal, provincial and local sources. The federal or national data included sentencing information found in the fingerprint report submissions kept by the R.C.M. Police (F.P.S. data), information on accidents and suicides from Statistics Canada, and data on crime in Canada compiled by the Canadian Centre for Justice Statistics. Provincial data were provided by the Chief Provincial/Territorial Firearms Officers (C.P.F.O.'s). Provincial hunter safety co-ordinators provided data on hunting accidents. At the local level, seven police forces—Vancouver, Calgary, Ottawa, Quebec City, Toronto and selected R.C.M. Police divisions in Nova Scotia and Saskatchewan—provided data on incidents with firearms and on certificates and permits issued.

In some cases the impact of the legislation was assessed by comparing pre- and post-legislation data. When only post-legislation statistics were available, trend analyses were conducted to observe changes which had occurred since the legislation was implemented.

CRIMES WITH FIREARMS

Two aspects of firearms crimes were examined; the incidence of such crimes, and the characteristics of the incidents and of suspects.

1. The Incidence of Firearm Crimes

Two categories of data were used for this particular analysis: national statistics on murder and robbery from the Canadian Centre for Justice Statistics, and local data from the police departments in Vancouver (1975 – 1981), Calgary (1977 – 1981), Toronto (1974 – 1981), and Ottawa (1976 – 1981), all of which are referred to as summary statistics. Using these data, the proportions of selected crimes committed with firearms before and after the legislation were compared.

Murder was the first type of crime examined. Nationally, the numbers of murders with firearms and the per capita rate steadily increased from 1961 to 1975, and have consistently declined since that time. In fact, in the period 1978 to 1981, the proportion of murders committed with firearms reached the lowest level since 1962. However, probably because of the small number of incidents, the analysis of homicides committed with firearms in the local city jurisdictions did not reveal any consistent decline (a substantial decrease occurred only in Vancouver).

The next crime category examined was attempted murder in the four city jurisdictions. In each case, there was a decline in the proportion of these incidents committed with firearms in the post-legislation period compared to pre-1978. In Vancouver, firearms were used in 51 percent of attempted murders during the years for which data were available prior to the legislation (1975-77), but in only 27 percent from 1978 to 1981. In Toronto, the percentage of attempted murders with firearms during the pre- and post-legislation periods dropped from 41 to 31 percent; in Ottawa, from 60 to 41 percent; and in Calgary from 48 to 39 percent.

The use of firearms in rape and indecent assault, assault, and woundings also was examined. Firearms use in these crime categories was relatively small and no substantial changes before and after the legislation were observed.

Of all the crimes examined, firearms were used most frequently in robberies. National data on robbery from 1977 to 1981 indicated that the total number of robberies with firearms increased. However, the increase in firearm robberies was less than for total robberies. While the total number of robberies rose by about 35 percent, robbery with firearms increased only by about 20 percent, whereas the use of other offensive weapons in robbery increased by about 63 percent. When expressed as a percentage of total robberies, firearms were used in 38.5 percent of robberies in 1977, and 34.4 percent in 1981.

The robbery data from the four city jurisdictions showed a decrease in the relative use of firearms in each city except Ottawa. The percentage of robberies committed with firearms dropped in Vancouver from 20 percent in the three years prior to the legislation to 13 percent in the four years following. Comparing the four year period before and after the 1978 firearms legislation in Toronto, the percentage of robberies involving firearms dropped from 23 percent to 19 percent. In Calgary, notwithstanding an increase in the absolute number of robberies involving firearms in the period following the legislation, the percentage of robberies involving firearms dropped slightly from 45 percent in 1977 to 42 percent in the four years 1978 to 1981.

A contrary finding was observed in Ottawa where a steady increase in all robberies and robberies with firearms was seen both absolutely and proportionately (from 25 to 33 percent). The increase was most noticeable in the four years 1978 to 1981 when the number of robberies with firearms more than doubled.

Hobbery in Canada is becoming a more frequent occurrence. On the other hand, nationally and in three of the four city jurisdictions, the percentage of robberies involving firearms decreased during the four year period following the legislation.

National data on offensive weapons offences showed an increase from 1977 to 1978 in the numbers of offences involving prohibited weapons. However, it was not possible to determine the extent to which these offences involved firearms. This was possible from the data in Vancouver and Toronto, where it was found that the percentage of weapons offences involving firearms declined after the legislation. In Vancouver, it dropped from 33 percent prior to the legislation to 18 percent after; in Toronto, from about 35 to 28 percent.

In summary, notwithstanding anomalies such as those found for robbery in Ottawa, there was a modest decrease in the post-legislation period in the proportionate use of firearms in the criminal incidents examined. Furthermore, because any decrease in the proportion of a crime committed with firearms indicates a corresponding increase in the proportion committed by other means, the data generally show that the relative use of other weapons in crime increased after the legislation. Data from Vancouver and Toronto on the use of knives in particular also show that there has been an increase in the proportions of homicides and attempted murders (but generally not for the other crime categories) committed with knives since the legislation. In most cases, the findings suggest that the greater control over firearms have resulted in a displacement effect; that is, an increasing proportion of crime is being committed with other weapons.

2. The Characteristics of Firearm Crimes

While the data generally show that the proportion of crime committed with all firearms combined declined from the pre- to the post-legislation periods, there was less evidence of a similar decline in the use of handguns. As a result, when firearms were used there was an increasing tendency for the firearm to be a handgun. These findings indicate that the greatest impact of the legislation has been on unrestricted firearms, such as rifles and shotguns. However, while the most frequent type of firearm in robbery was a handgun, the use of handguns in the other crimes was far less prevalent.

The most frequent type of firearm incident in the city jurisdictions was robbery, and usually over 70 percent of these incidents occurred in business premises. Four cities showed a decline in firearm offences in the home, between 1979 and 1980, but only two cities continued this decline into 1981.

The analysis of the characteristics of suspects charged with firearm offences indicated that they were usually from 16 to 24 years old in the case of robbery offences, but tended increasingly to include older age groups for other offences. Over 90 percent of the suspects were males. The two rural jurisdictions were able to provide information on whether suspects were under the influence of alcohol or drugs at the time of the incident. Although the base numbers were quite small, the data showed that over 60 percent of suspects were under the influence of alcohol or drugs at the time of the incident.

The final aspect examined relating to the characteristics of suspects was the proportion of suspects having criminal records and the nature of the records. It was observed that nationally, over 50 percent of suspects involved in firearm crimes had previous criminal records although no changes of note in this figure were observed over the period 1978 to 1981. On the other hand, of suspects that did have records, between 44 percent and 50 percent had been subject to five or more charges and this rate increased over the four years. Increases also were found in the percentage of suspects with criminal records who had prior records involving violent offences, but no major changes were found in the percentage rate of suspects with previous firearm offence records. It also was found that between 23 percent and 29 percent of suspects with records had been sentenced to at least one penitentiary term of two years or more, but no major changes over time were observed in this proportion.

NON CRIMINAL INCIDENTS WITH FIREARMS

1. Accidents With Firearms

Vital Statistics data from Statistics Canada indicate that the annual number of fatal firearm accidents from 1971 to 1980 declined from 145 to 75, a drop of 48 percent. Controlling for increases in population, the annual per capita rates of fatal firearm accidents show that while the decline began prior to 1978, a further drop occurred after the introduction of the legislation. Further data on both fatal and non-fatal firearm accidents from the Hospital Morbidity Section of Statistics Canada also indicate lower rates of firearm accidents during the post-legislation period. A similar decrease also was observed in the rate of hunting accidents relative to the number of hunting licences sold.

2. Suicides with Firearms

The national and local data also show that the use of firearms in suicides decreased after the legislation. The national data indicate that the percentage of suicides committed with firearms steadily increased until 1977, and decreased after that time. The proportions with firearms in 1979 and 1980 (the last 2 years of data) were less than for any of the previous years for which data were available (since 1971). The data from the local city jurisdictions show a similar decrease after the introduction of the legislation.

In summary, the data on crime, accidents and suicides show that there has been a decrease in the use of firearms in these incidents since the legislation. However, various factors other than the legislation may have been responsible for these decreases, and a direct causal connection between the legislation and these changes cannot be made. Nevertheless, the consistency of these changes among the many different measures coincident with the introduction of the legislation lead to the conclusion that the legislation did have a moderate impact on these incidents.

IMPLEMENTATION AND EFFECT OF LEGISLATIVE PROVISIONS

1. Screening

The Criminal Code categorizes firearms into three groups: prohibited weapons, possession of which by private individuals is barred absolutely; restricted weapons which are available only in specified circumstances and which require a registration certificate and, if applicable, a carrying permit; and other firearms (which this report refers to as unrestricted firearms), which are available with minimal conditions and which require a Firearms Acquisition Certificate (FAC). Screening is the process by which it is determined whether the applicant meets the criteria attached to the particular certificate or permit. The rates of issuance and refusals of FAC's, registration certificates and carrying permits were examined.

Firearms Acquisition Certificates (FAC's): Because FAC's are valid for five years, a decline in the number of FAC's issued was expected by 1981, the third year in which the system had been in effect. Nationally, the number of FAC's per 10,000 population declined from 104 in 1979, to 87 in 1980 and to 68 in 1981. The highest number of FAC's issued per 10,000 population were in the Yukon and the Northwest Territories and the lowest in Ontario and Prince Edward Island.

In all provinces, the rate of FAC refusals was low although there was some increase in the percentage of applications refused; from 0.39 percent in 1979, to 0.52 percent in 1980 and 0.60 percent in 1981. The predominant reasons for FAC refusals appear to be those related to a criminal record or a history of violent behaviour.

An applicant refused a FAC is entitled to request a reference to a magistrate, essentially an appeal from the refusal. About eight percent of FAC refusals were appealed over the three years 1979 to 1981, and about 50 percent of these appeals were successful.

Registration Certificates: In order to acquire a registration certificate the applicant must be eighteen years of age, in possession of a valid FAC and meet one of the criteria for requiring restricted weapons set out in the legislation. The certificate is issued by the Commissioner of the R.C.M. Police, but the initial screening is conducted by the local registrar of firearms, usually located in the local police force.

November 1978 was declared a firearms amnesty period, and as a result of the amnesty, over 40,000 firearms were submitted for the purpose of establishing or updating registration. The data on registration certificates issued subsequent to this time must be seen in this context.

Registration certificates are issued both for newly registered restricted weapons and the transfer of previously registered weapons. Probably as a result of the amnesty program, the rate of certificates issued for transfer purposes increased from 23 per 10,000 in 1978 to about 36 per 10,000 in 1980. But between 1980 and 1981 there was a sharp decline to 15 certificates per 10,000 population. Certificates issued for transfer constituted between 70 to 90 percent of all certificates issued in the four years examined. The rate of first time certificates issued increased between 1978 and 1979, from eight to 13 per 10,000 population. This rate declined to three in 1980 and then increased to 6 per 10,000 population in 1981. Despite this increase, the rate of first-time registrations in 1981 remained below the 1978 level.

A dramatic decline in the numbers of registration certificates refused and revoked over the period 1978 to 1981 occurred; 168 refusals in 1978 compared to one in 1981; 93 revocations in 1978 compared to three in 1981. The large numbers in 1978 and 1979 again probably is due to the large volume of applications during the amnesty period, but the decline in 1980 and 1981 also may be due to the more rigorous screening and increased use of prohibition provisions subsequent to the legislation.

Carrying Permits: Nationally, no major changes were observed in the number or rate of carrying permits issued. From 1979 to 1981 about 12 carrying permits were issued per 10,000 population. About 75 percent of these were issued for the purpose of target practice at a club and about 20 percent for purposes related to occupation, e.g., security guards.

The percentage of carrying permit applications which were refused was very small and declined from 2.3 percent in 1979 to 0.6 percent in 1981.

Looking at the screening process as a whole, the increase in the rate of FAC refusals compared to the decline in the refusal rates for registration certificates and carrying permits suggests that the screening process has its greatest impact at the time of the applicant's first introduction to the system.

2. Sentencing

An important component of Bill C-51 was the increasing of the severity of criminal sanctions governing the misuse of firearms. One of the most important measures was the new offence of using a firearm while committing or attempting to commit an indictable offence, s.83. Conviction of a s.83 offence should incur a minimum jail sentence of one year and a mandatory firearms prohibition order.

Using the national fingerprint records from the R.C.M. Police (the F.P.S. data) and the local occurrence report data from the Vancouver, Ottawa and Quebec City police forces, the sentencing patterns for firearms offences from 1979 to 1981 were examined. In addition, using data from the Vancouver Police Force, the disposition of charges of robbery with offensive weapons (firearms and non-firearms) from 1976 to 1981 also was examined.

Changes in the Number of Firearms Charges: Nationally, the total number of firearms charges increased dramatically between 1979 and 1980 (by 31.0 percent) and to a lesser extent between 1980 and 1981 (by 5.4 percent).

Changes in the Disposition of Firearms Charges: Nationally, the percentage of charges resulting in "no conviction" remained constant over the three years examined, which suggests that the legislation did not lead to increasing numbers of charges for which there was insufficient evidence for convictions.

On the other hand, a moderate increase in the percentage of firearms convictions resulting in jail terms was found in 1980 and 1981 as compared to 1979. An examination of the dispositions of convictions for the offence of using a firearm in an indictable offence (s.83) indicated that in keeping with the mandatory jail term, over 90 percent of such convictions incurred jail terms in all three years examined, and this percentage showed a slight increase over the time period; from 92.9 percent in 1979 to 96.4 percent in 1981.

Changes in the Jail Terms Imposed for Firearms Offences: Not only was an increase in the percentage of firearms convictions resulting in jail terms observed but an increase in the length of jail terms imposed was found. Nationally, the mean jail term of the aggregate of all firearms convictions (except s.83 offences) increased from 5.4 months in 1979 to 7.1 months in 1981. Furthermore, an increase was found in the percentage of convictions incurring jail terms of one year or more; from 15.5 percent in 1979 to 21.9 percent in 1981.

Changes in Consecutive Jail Terms: Another aspect of the new offence of use of a firearm in an indictable offence (s.83) is the mandatory provision that jail terms imposed upon conviction be consecutive to any jail terms imposed upon conviction of accompanying charges. Nationally, of s.83 jail terms imposed jointly with jail terms on accompanying charges, about 82 percent were consecutive in 1979, which increased to about 87 percent in 1980 and 1981. Given the mandatory provision in s.83, it is noted that 13 percent of s.83 jail terms accompanied by multiple jail sentences were *not* consecutive.

Of the remaining firearms charges, there was some upward movement in the percentage of multiple and consecutive jail terms from 14.5 percent in 1979 to 17.1 percent in 1981.

The Use of s.83 Charges: A robbery committed with a firearm is an indictable offence, and accordingly should be accompanied by a s.83 charge. The national data (F.P.S.) indicated that about 90 percent of robbery charges were accompanied by s.83 charges. However, this high rate may have been due to the fact that the only robberies included in this data base were those which also had some sort of firearm charge. Accordingly, the data from the local city jurisdictions probably provide a more accurate assessment of the relationship between s.83 and robbery charges, because these data bases included all robberies involving firearms, regardless of whether any firearm charges were laid. These data generally indicated that less than 50 percent of firearm robbery charges had accompanying s.83 charges. The lack of s.83 charges may have been due to the fact that evidence was not always available to prove that the alleged firearm was not some form of imitation firearm. However, notwithstanding the relatively low incidence of joint s.83 and robbery charges, in each of the city jurisdictions the rate of joint charges was higher in 1981 than in 1979. A slowly increasing awareness of the mandatory provisions of s.83 on the part of police, Crown Attorneys and judges may also be occurring.

Effect of s.83 Minimum Jail Terms on Robbery Jail Terms: The minimum one year jail term contained in the s.83 offence may have been viewed by some members of the judiciary as an infringement of judicial discretion. In order to ascertain whether judges were subtracting the one year jail term from the jail term that might have been imposed on accompanying convictions, the jail terms imposed on convictions of charges of robbery with a firearm, accompanied and not accompanied by a s.83

charge, were examined. It was expected that if judges had compensated, less severe jail terms would have been imposed for the robbery convictions with an accompanying s.83 charge than those without a s.83 charge.

Overall, the data did not support this prediction. The percentage of robbery convictions with s.83 charges that resulted in jail terms was consistently higher than for robbery convictions without s.83 charges. This indicates that there was no systematic compensation in the severity of robbery sentences because of the mandatory s.83 jail term.

Sentences for Robberies With Offensive Weapons Before and After the Legislation: The analyses of the effect of the s.83 minimum jail term on robbery jail terms revealed that the average jail term for robberies increased from 1979 to 1981. In order to assess whether this increase was related to the implementation of Bill C-51 or was part of a trend to impose stricter sentences for all robberies, the dispositions and jail terms incurred for robbery charges with offensive weapons in Vancouver from 1976 to 1981 were examined.

For firearm robbery convictions, there was a decrease in sentences of 2 to 5 years and an increase in sentences of five years or more after the legislation. The opposite pattern of findings occurred for robberies with other offensive weapons: there was an increase in the proportion of sentences of 2 to 5 years and a decrease in sentences of five years or more. For both groups, little change occurred with respect to the percentage sentenced to less than two years.

These data indicate that persons convicted of robbery with firearms were given longer jail terms after the legislation than before. They also indicate that the longer sentences were not part of a trend to stricter sentences for all robberies, because sentences of five years or more decreased for robberies with other offensive weapons after the legislation. During both time periods, robberies with firearms were more likely to result in longer jail sentences than those committed with other offensive weapons.

Impact of Previous Criminal Charges on Current Sentences: The data indicate clearly that suspects with previous criminal records have greater chances of going to jail on a current firearms-related conviction than those without records. If those records were for violent or firearms offences, the jail terms were for increasingly longer terms. Over the four-year period 1978 to 1981, the mean jail sentence for accused with previous firearm offence records was 11.1 months, compared to 7.9 months for those without. For those with previous records involving violence, the mean jail sentence was 10.0 months, compared to 7.9 months for those without violent offence records. Furthermore, the percentage of repeat firearms offence offenders incurring a jail term of one year or more increased from 28.2 percent in 1978 to 35.4 percent in 1981. These data show that a criminal record did have an impact on the current disposition, and in particular, that courts are dealing with repeat firearm offenders with greater severity.

3. Prohibition

The firearms control legislation provided for prohibition orders that can be issued by a court to prevent certain individuals from owning, possessing or having control of a firearm, ammunition or explosive substance for a specified number of years. There are six prohibition categories, three of which arise subsequent to a conviction for a criminal offence (conviction prohibitions), and three which can occur in non- criminal situations (non-conviction prohibitions).

Conviction Prohibitions: Of the three conviction prohibitions, one is mandatory upon conviction for certain offences (s.98(1)). One of these offences is use of a firearm in an indictable offence (s.83). In order to assess the enforcement of this mandatory order the percentage of s.83 convictions incurring a prohibition order was examined.

It was found that nationally in the three years 1979 to 1981, more than 80 percent of s.83 convictions did *not* incur the mandatory prohibition order. Although there were modest improvements over the three years, from 11.3 percent in 1979 to 17.3 percent

in 1981, it is clear that mandatory prohibition orders are enforced infrequently. It may be that some Crown Attorneys and judges are unaware of the mandatory nature of s.98(1).

Non-Conviction Prohibitions: The first type of non- conviction prohibition order arises in situations where a peace officer has made an application to a magistrate on the grounds "that it is not desirable in the interests of the safety of the person against whom the order of prohibition is sought or of any other person" (pre-emptive prohibition). This type of prohibition is used most often in situations involving domestic and neighbour confrontations or unsafe storage habits. Due to the vagueness of procedural guidelines concerning the conduct of such a hearing, some reluctance to use the pre-emptive application procedure was found if the search and seizure procedure (noted below) could be used, but the section was useful in circumstances where no search and seizure had been conducted.

The second type of non-conviction prohibition arises on FAC references, that is, appeals. The legislation provides that if the refusal for a FAC is confirmed by the magistrate, a prohibition shall be ordered. The implementation of these types of mandatory orders appears to be very good.

The third type of non-conviction prohibition may be ordered pursuant to a hearing before a magistrate, held subsequent to a search and seizure of firearms by police when an order of forfeiture is sought. In such instances a prohibition order can be issued along with the forfeiture order. It was found that if the circumstances warranted an order for forfeiture of firearms, then most magistrates considered that a prohibition order also was justified.

4. Search and Seizure

Of the four categories of search and seizure which relate exclusively to firearms and other offensive weapons, two apply in circumstances of perceived danger where a criminal offence may not necessarily have occurred. Section 101(1) of the *Criminal Code* authorizes search and seizure with a warrant when there are reasonable grounds to believe "that it is not desirable in the interests of the safety of that person, or any other person" that the individual should have possession of any firearms. Search and seizure without a warrant is authorized by s.101(2) if there are reasonable grounds for believing that "the danger to the safety of that person or other persons is such that to proceed by way of an application (for a warrant) . . . would be impracticable . . ."

Comprehensive data on firearms searches and seizures were not available because most police departments do not keep centralized records of such searches. Accordingly, no statements can be made as to the actual circumstances and frequency of s.101 searches and seizures, particularly those conducted without a warrant.

As a safeguard against abuse, the legislation provides that following all such searches, with or without a warrant, the Attorney General immediately shall make a return or report to a magistrate showing the grounds upon which the search was conducted. The use of returns appears to be limited. For the most part they seem to be made only if a seizure has occurred and a request for forfeiture was intended. If returns are made only where evidence was sufficient to support a forfeiture application, the protection afforded by the procedure becomes redundant.

On the other hand, if weapons are seized and forfeiture desired, the search and seizure hearings before the magistrate appear to run with relative smoothness and the percentage rate of forfeiture applications granted is high. The concept of prevention behind such hearing seems to be well recognized.

5. Safe Handling and Storage

Bill C-51 introduced a variety of measures to promote responsible and safe handling of firearms both by individuals and firearms businesses. The extent to which safe handling and storage practices are implemented is difficult to assess. The only practicable means available was to assess the number and disposition of criminal

charges laid in relation to unsafe practices. An assessment of such charges revealed that with the exception of careless use of firearms, the number of charges under the *Criminal Code* sections governing safe handling and storage was quite small.

Nationally, the number of careless use charges increased between 1979 and 1980, but remained stable in 1981. Such charges constituted 16.7 percent of total firearms charges in these three years. If a conviction occurred, careless use convictions were the least likely of the firearms offences examined to result in a jail term; about 20 percent resulting in jail. Although these convictions were the most likely of the firearms offences to incur prohibition orders, less than 35 percent did so.

The number of careless use charges probably reflects greater enforcement by police and Crown prosecutors. Notwithstanding the low percentage of convictions incurring jail terms, higher conviction and prohibition rates indicate that courts are responding to the emphasis on the promotion of safe handling of firearms found in Bill C-51.

6. Regulation of Businesses

As of January 1, 1979 businesses dealing in both restricted and non-restricted firearms were required to obtain a permit. This must be renewed annually. Nationally, the number of retail business permits issued for the purpose of selling unrestricted and restricted firearms remained quite stable in 1980 and 1981. The number of permits for wholesalers, manufacturers and gunsmiths increased between 1980 and 1981. Furthermore, the number of business permit refusals was very low. By 1981, only one refusal was recorded. Notwithstanding the new requirements for business permits and new requirements regarding storage and record keeping, the number of retail and business permits has remained constant.

CONCLUSIONS

Numerous modest changes in the rates of various types of firearms incidents and sentencing patterns occurred subsequent to the implementation of the legislation. The large number of these changes leads to the conclusion that the legislation did have a moderate impact on the use of firearms.

The principal findings of the study are:

1. The Outcomes

The proportion of violent crimes committed with firearms declined in the post-legislation period.

Where firearms were used in violent crime, there was an increasing trend for the firearm to be a handgun.

There has been a moderate displacement of firearms by other weapons in robberies.

There was strong relationship between alcohol and drug use and firearms misuse in the two rural jurisdictions.

Suspects with criminal records who were involved in crimes involving firearms tended increasingly to have more serious records.

Accidents with firearms were declining prior to 1978 but the legislation contributed to further downward trends.

Suicides with firearms declined moderately in the post-legislation period.

2. *The Processes*

Following 1979, courts imposed more severe sentences for firearms offences.

When convictions for the offence of use of a firearm in an indictable offence (s.83) occurred, the mandatory sentencing provisions tended to be enforced and the extent to which they were enforced increased over the three years 1979 to 1981.

Robberies with firearms resulted in longer jail sentences after the implementation of Bill C-51.

Following 1979, sentences for repeat firearms offenders were more severe.

The requirement for the mandatory imposition of prohibition orders following specified criminal convictions was seldom met.

The requirement that a return to a magistrate be made subsequent to a s.101 search and seizure was seldom met.

Recommendations

1) More precise procedural guidelines should be provided regarding the conduct of the various hearings provided in the legislation.
2) The application of the return procedure following a s.101 search and seizure needs to be more clearly delineated.
3) The mandatory nature of the s.98(1) prohibition order needs to be emphasized to Crown Attorneys and judges.

Chapter I

INTRODUCTION

In February, 1979, the Ministry of the Solicitor General of Canada retained Decision Dynamics Corporation to conduct an independent evaluation of the firearms control provisions contained in the *Criminal Law Amendment Act*, 1977 (Bill C-51). The overall goal of this legislation was to reduce the number of firearm incidents in Canada. Accordingly, a major focus of this evaluation study has been to assess changes in the use of firearms in criminal and non-criminal incidents (e.g., accidents, suicides).

However, because firearm incidents can be influenced by a variety of factors other than the legislation (e.g., economic conditions), no direct causal connection between the legislation and any changes in firearm incidents can be made. The study was designed to assess the extent to which firearm incidents have been reduced since the implementation of the legislation in 1978.

The study also was designed to collect detailed information to monitor how the various provisions of the legislation have been implemented. The legislation contained a number of different provisions such as the introduction of the Firearms Acquisition Certificate (FAC), more severe sentences for the use of firearms during the commission of crimes, stricter controls over business establishments that sell firearms, and new categories of firearm prohibition orders. These provisions are contained in Appendix 4 of this report. By examining the operation and to some extent the effects of these different provisions, the study was intended to provide useful information on exactly how the legislation has been working to date. This kind of "process analysis", combined with the previously noted analysis of firearm incidents ("outcome analysis"), provides a more complete assessment of the overall effectiveness of the legislation.

The first progress report from this evaluation was published in 1981 by Solicitor General Canada. This report described the background and methodology of the study, the legislative and administrative provisions of the legislation, and presented preliminary findings after one year of data collection. A brief second progress report was published in early 1983, in *Focus on Firearms*, a newsletter of the Firearms Policy Centre of the Ministry. The present report presents the complete findings after three years of data collection.

Chapter II of this report examines the findings relating to the incidence of crimes involving firearms before and after the legislation. It also describes the characteristics of criminals and criminal incidents involving firearms. Chapter III describes the use of firearms in non-criminal incidents (accidents and suicides). Chapter IV assesses the implementation of the different provisions of the legislation. A summary of the principal findings from the study is contained in Chapter V.

The different data sources for this study were described in detail in the first progress report, and are further described briefly when first presented in the following chapters. It should be noted, however, that in some instances there have been modifications to some of the data presented in the progress reports, due to revisions and up-dating of data bases. Revisions have been explicitly pointed out where they have

caused a reappraisal of conclusions or interpretations made in the previous reports. It also should be noted that the following chapters present only the most pertinent findings, using graphic summaries whenever possible for ease of presentation. Readers should therefore consult the detailed statistical tables in the appendices for further information. All references in the body of the report to tables with the prefix "A" indicate that the table will be found in an appendix.

Chapter II

CRIMES WITH FIREARMS

This chapter presents data relating to the criminal use of firearms. The first section of the chapter examines the incidence of selected crimes with and without firearms before and after the start of the legislation in 1978. The second section describes the characteristics of criminals and criminal incidents involving the use of firearms.

National statistics over time on the use of firearms in crime were available only for murders and robberies. Detailed data for other kinds of crimes, however, have been obtained from the summary statistics and occurrence reports of several local police departments.

A. THE INCIDENCE OF CRIMES WITH FIREARMS

1. Has There Been Any Change In The Use Of Firearms In Murders And Homicides?

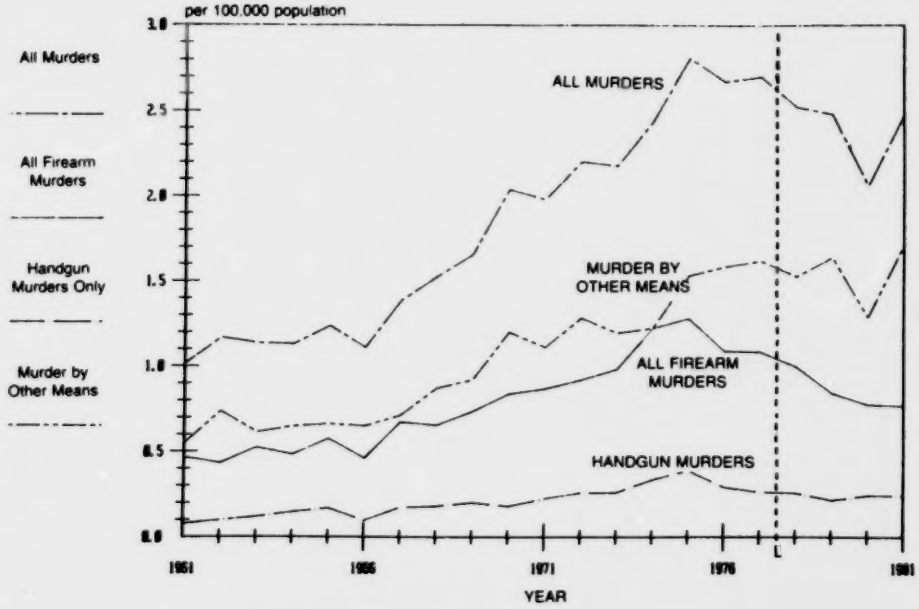
National statistics on the use of firearms in murder[1] are presented in Tables A1.1 and A1.2 in Appendix 1, and are summarized in graphic form in Figures II.1 and II.2. These data show that:

- — The annual number of murders as well as the per capita rate of murder (per 100,000 population) increased steadily between 1961 and 1975, but has since shown a pattern of decline. The decline in the per capita rate continued to the end of 1980, but showed an increase in 1981 compared to 1980. However, the absolute number of murders and the per capita rate in 1981 remained below the 1975 figures.
- — The annual number of murders with all firearms (including handguns) and the per capita rate also increased steadily from 1961 to 1975, and have consistently declined since that time. This trend also occurred with respect to the use of handguns in murders, although the differences in these rates have been much smaller in magnitude.
- — The only difference in this pattern occurred with respect to the rate of murder by other means. The per capita rate of murder by means other than firearms continued to increase until 1979, showed a slight decline in 1980, but again increased in 1981. It is also worth noting how the per capita rates for murders with firearms and by other means, shown in Figure II.1, were quite similar up to the end of 1974, but have since diverged. The rates for murder by other means have generally continued to increase, whereas the firearms murder rates have decreased.

Because the overall murder rates have declined since 1975, it is important for purposes of this study to examine firearm murders as a percentage of total murders, to determine if the relative use of firearms is also decreasing. Figure II.2 (also see Table A1.2) reveals that murders by firearms as a percentage of all murders have also shown a marked pattern of decline since 1974 and 1975. The decline in firearm murders relative to all murders appears to be particularly noticeable since the start of the legislation in 1978. Although the percentage of murders with firearms began to decrease in 1975, the percentages from 1978 to 1981 are the lowest they have been since 1962.

Figure II.1

MURDERS BY DIFFERENT WEAPONS
PER 100,000 POPULATION
CANADA 1961 — 1981

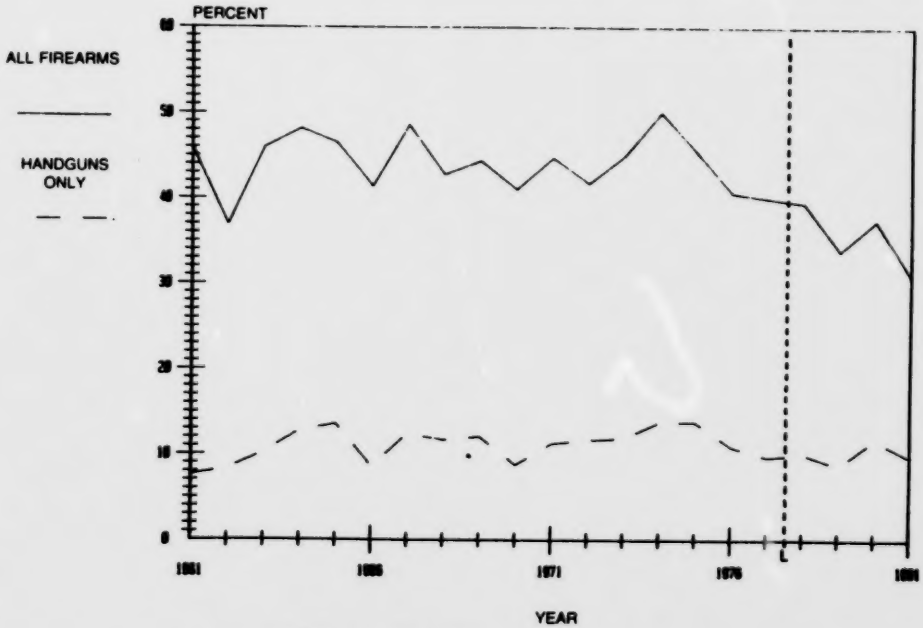


L = Start of legislation, January 1, 1978

Source: Canadian Centre for Justice Statistics

Figure II.2

MURDER WITH ALL FIREARMS AND WITH HANDGUNS ONLY AS A PERCENTAGE OF ALL MURDERS CANADA 1961 — 1981



L = Start of legislation, January 1, 1978

Source: Canadian Centre for Justice Statistics

Handgun murders relative to all murders have declined since the peaks in 1974 and 1975, but no noticeable differences in these rates have appeared since 1978. Overall, the relative use of handguns would appear to have remained fairly stable from 1961 to 1981.

In summary, although the decline in the per capita and relative rates of firearm murders began prior to the legislation, these rates would appear to have declined further since the start of the legislation. However, the pattern with respect to handgun murders is less clear. There have been further reductions since the legislation, but the differences have been smaller than for all firearms combined.

Detailed statistics on the use of firearms in homicides (including manslaughter) were obtained from the summary statistics from the police departments in Vancouver, Calgary, Toronto and Ottawa (see Tables A1.3 to A1.6 in Appendix 1). Because of the relatively small number of incidents, the yearly percentage of homicides committed with all firearms and with handguns only have been aggregated for each jurisdiction for before and after the legislation.[2] These aggregate percentages are shown in Figure II.3.

These data must be interpreted with caution because of the relatively small number of incidents in each jurisdiction, and because statistics were available for only a few years prior to the start of the legislation. The "pre" data in Vancouver refer to 1975-77; in Toronto to 1974-77; in Ottawa to 1976-77; and in Calgary to 1977 only. In all jurisdictions, the "post" legislation data refer to 1978-81, inclusive. Extreme caution is warranted for Ottawa and Calgary because of the few cases of firearm homicides, and especially in Calgary, where only one year of data was available prior to the start of the legislation.

Perhaps because of these limitations, no consistent pattern can be discerned in these local summary data. The only notable difference would appear to be in Vancouver where the percentage of homicides with all firearms dropped from 21.4 percent, prior to the legislation, to 14.3 percent afterward. A slight increase occurred in Ottawa and Calgary. However, because of the limitations noted above, it is not possible to discern any clear trends.

In conclusion, the analysis of national murder data has shown a trend to lower rates of firearm murders in the post-legislation period. The local summary data on homicides, however, have not revealed any consistent decline, most likely because of the small numbers involved.

2. Has There Been Any Change In The Use Of Firearms In Attempted Murders?

Pre – post differences in the relative use of firearms in attempted murders for the four city jurisdictions are displayed in Figures II.4 (also see Tables A1.3 to A1.6). In each case there has been a decline since the legislation in the percentage of incidents with firearms. The greatest differences occurred in Vancouver and Ottawa, where the overall decline in each case was approximately 20 percent. In Vancouver, the percentage of attempted murders with firearms dropped from 51 percent prior to the legislation to 27 percent for the years following. In Ottawa, the relative use of firearms dropped from 60 percent to 41 percent.

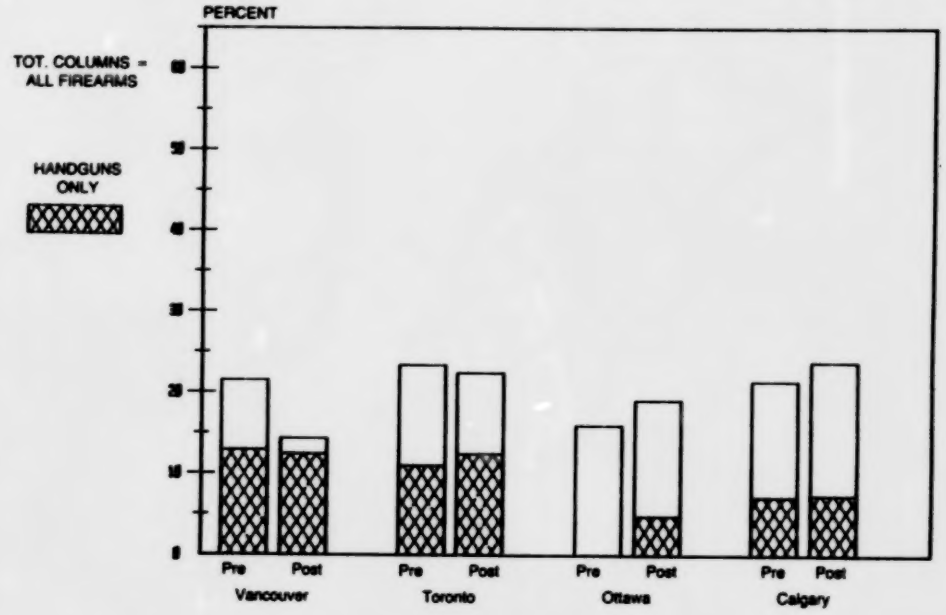
The findings with respect to the proportion of attempted murders with handguns failed to show the same pattern of decline after the legislation.

3. Has There Been Any Change In The Use Of Firearms In Rape And Indecent Assault?

The data on rape and indecent assault are not complete for Vancouver or Calgary. However, in all four city jurisdictions the data show that the use of firearms in these crime categories is very infrequent. Guns are not a common weapon in violent sex-related offences and therefore no before- and after- legislation differences are perceptible (see Tables A1.3 to A1.6).

Figure II.3

HOMICIDES WITH ALL FIREARMS AND WITH HANDGUNS ONLY AS A PERCENTAGE OF ALL HOMICIDES FOUR CITIES



Source: Summary statistics from local police departments

4. Has There Been Any Change In The Use Of Firearms In Assaults?

Only Vancouver, Calgary and Toronto provided data on assaults with firearms. In Vancouver, the total number of assaults increased over 77 percent from 1976 to 1981, but assaults with firearms never constituted more than one percent of total assaults. The same result held true in Toronto, where assaults increased approximately 40 percent between 1974 and 1981, but firearms were involved in less than one percent of all assaults. The highest absolute number of incidents involving firearms was 27 in 1980. In Calgary, accurate data are available only for 1979 to 1981, but there were no more than four incidents in any one year.

In summary, it does not appear that any consistent changes occurred in the use of firearms in assaults in Vancouver, Toronto and Calgary for the period following the firearms control legislation.

5. Has There Been Any Change In The Use Of Firearms In Woundings?

The relative use of firearms in woundings has not been substantial during the period covered by this study. The aggregated percentage use of firearms in the four cities before and after the legislation is displayed in Figure II.5 (see Tables A1.3 to A1.6). While some small differences are apparent, the findings fail to reveal any consistent pre – post differences.

6. Has There Been Any Change In The Use Of Firearms In Robberies?

Robberies represent not only a relatively frequent crime, but one in which the use of firearms is common. This crime is therefore of particular interest in examining differences before and after the firearms control legislation.

National statistics on firearm robberies are available for 1977 to 1981 (see Table A1.7). Over these five years, total robberies have increased about 35 percent (from 19,491 to 26,292), whereas robberies with firearms increased only by 20.4 percent (from 7,507 to 9,040). On the other hand, robberies with other offensive weapons increased by 62.8 percent (from 3,350 to 5,455).

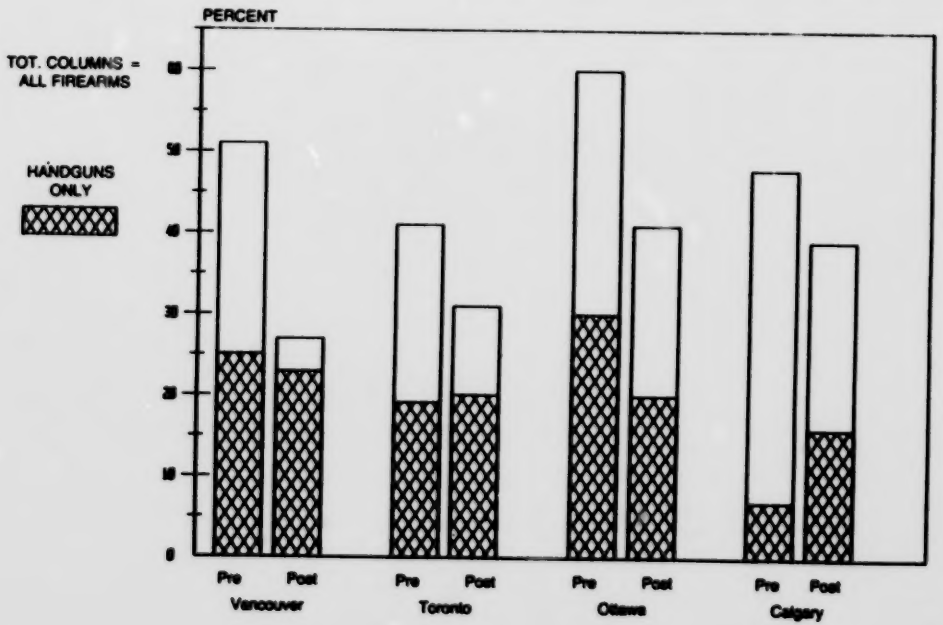
The data on the different forms of robbery can also be examined for each year as a percentage of total robberies, as shown in Figure II.6. This shows a steady decline in firearm robberies from 38.5 percent in 1977 (the year preceeding the implementation of the legislation) to 34.4 percent in 1981. In contrast, robberies with other offensive weapons have increased from 17.2 to 20.8 percent during this period. Overall, these findings clearly indicate a reduction in the relative use of firearms in national patterns of robbery despite the fact that total robberies have increased. The fact that robberies with other offensive weapons have correspondingly increased would suggest that other weapons are replacing firearms in this crime.

The relative use of firearms in robberies in the four city jurisdictions is shown in Figure II.7 (see also Tables A1.3 to A1.6). These data show that total firearms robberies as a percentage of all robberies decreased after the legislation in all jurisdictions except Ottawa, where they increased from 25 percent (for 1976 and 1977) to 33 percent (during 1978 to 1981). Ottawa is also the only city where the relative use of handguns substantially increased after the legislation (Calgary had a very small increase). Given the national trend, the incidence of robberies with firearms in Ottawa would appear to be a result of local factors.

In summary, while total robberies have increased, the relative use of firearms in robberies has decreased nationally and in three of the four local jurisdictions since the start of the legislation. On the other hand, there does not appear to have been any major change in the relative use of handguns in this crime (handgun data are only available from city jurisdictions).

Figure II.4

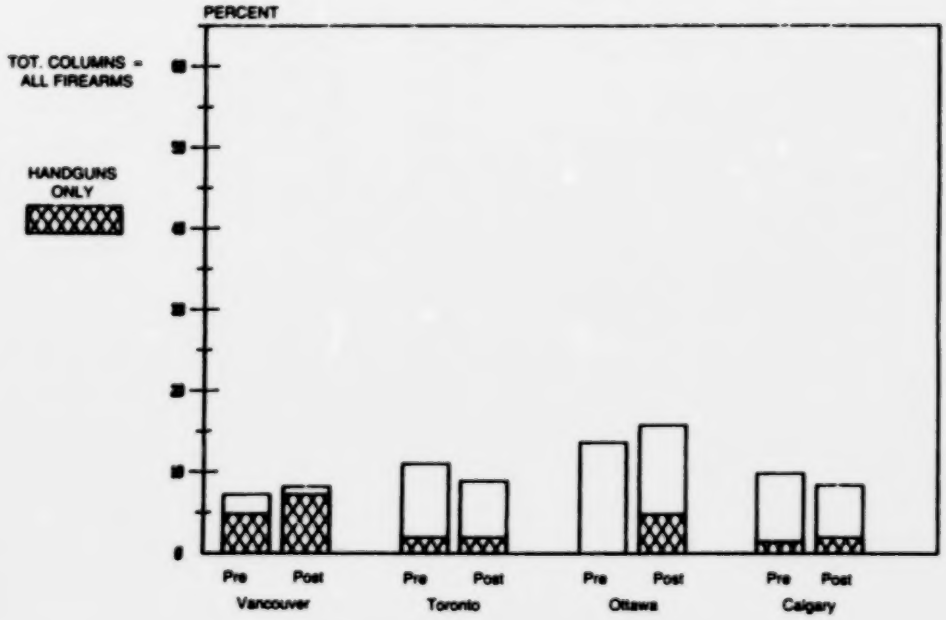
ATTEMPTED MURDERS WITH ALL FIREARMS AND WITH HANDGUNS ONLY AS A PERCENTAGE OF ALL ATTEMPTED MURDERS FOUR CITIES



Source: Summary statistics from local police departments

Figure II.5

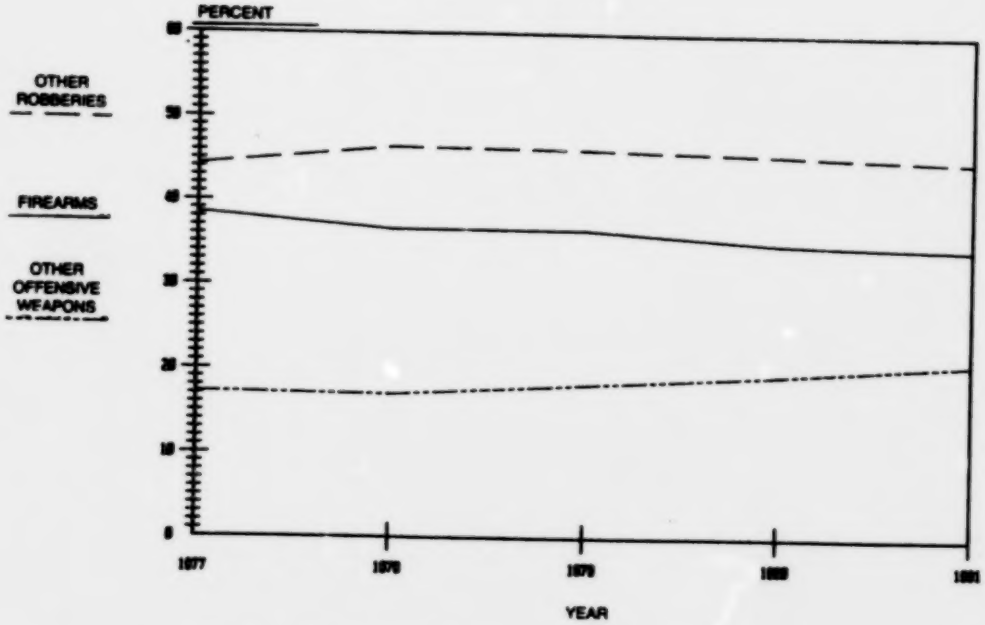
WOUNDINGS WITH ALL FIREARMS AND WITH HANDGUNS ONLY AS A PERCENTAGE OF ALL WOUNDINGS FOUR CITIES



Source: Summary statistics from local police departments

Figure 5.6

PERCENTAGE OF ROBBERIES BY CATEGORY
CANADA 1977 — 1981



Source: Canadian Centre for Justice Statistics

7. Has There Been A Change In The Number Of Weapon Offences Involving Firearms?

National data on offensive weapon offences are compiled by the Canadian Centre for Justice Statistics.[3] These are separated into four groupings: explosives, prohibited weapons (weapons which the legislation bans absolutely), restricted weapons (weapons which the legislation controls the possession and use) and other offensive weapons, e.g., rifles, knives, pellet guns. This last group made up over 70 percent of all offensive weapon offences over the years 1977 to 1981, but can not be broken down by type of weapon. Accordingly, the discussion of weapons charges nationally is confined to offences relating to prohibited and restricted weapon offences.

Nationally, there was a 77.8 percent increase in the absolute number of prohibited weapons offences between 1977 and 1981 (from 1,524 to 2,709). Restricted weapons offences increased by only 1.9 percent over the same period (2,008 to 2,047). The largest annual increase in prohibited weapons offences occurred between 1977 and 1978, when they increased by 37.2 percent. This rise was coincident to the implementation of Bill C-51. It may relate partly to the wider definition of prohibited weapons, which increased the types of weapons falling into this class, and partly to a greater cognizance of prohibited weapons offences on the part of police as a result of the publicity accompanying the passage of the legislation.

It was not possible to determine the extent to which these national data referred to firearms as opposed to other types of offensive weapons. For example, a knife with a blade that opens automatically by gravity or centrifugal force is a prohibited weapon. However, the local summary statistics from Vancouver and Toronto (see Tables A1.3 and A1.4) reported whether the offensive weapon offences involved firearms. The aggregate percentage of total offensive weapon offences involving all firearms combined and for handguns only before and after the legislation are shown in Figure II.8. This shows that the percentage of weapon offences involving all firearms combined declined in both jurisdictions after the legislation. In Vancouver, the percentage of weapon offences involving firearms declined from 32.8 percent prior to the legislation to 18 percent in the period following; in Toronto, the relative use of firearms in offensive weapon offences decreased from 35.5 to 28.2 percent.

The percentage of weapon offences involving handguns also declined fr 24.9 to 15.7 percent in Vancouver, and showed a slight decrease in Toronto.

8. Has There Been Any Change In The Use Of Other Weapons In Crime?

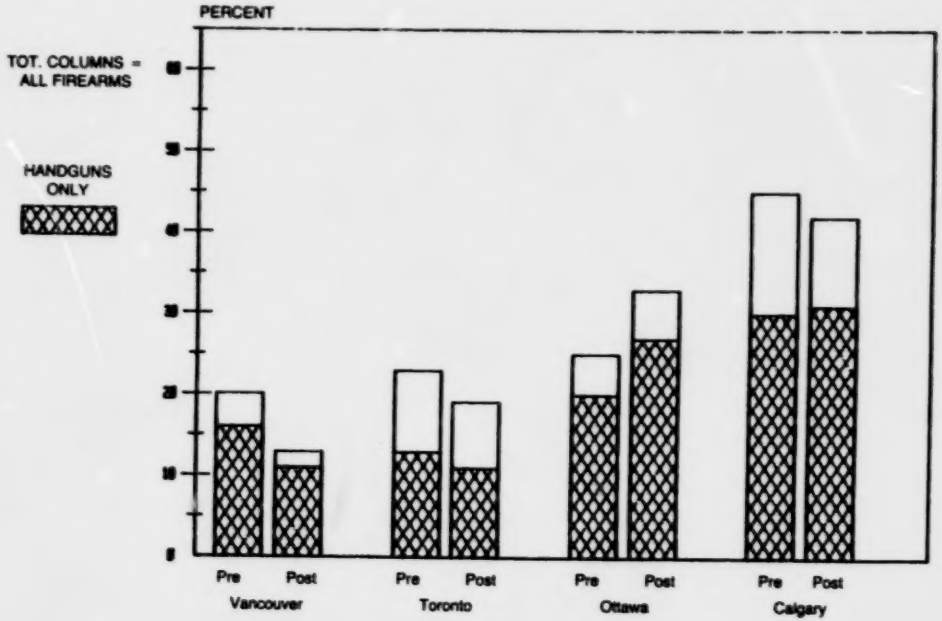
Evidence that "other means" have proportionately increased while relative firearm use has decreased since the legislation was presented in Figures II.1 and II.6, for the national data on murders and robberies. Furthermore, since any decrease in the proportion of a crime committed with firearms implies a corresponding increase in other means of committing the crime, then the previously presented data from the local jurisdictions showing that the relative use of firearms decreased after the legislation also implies that the relative use of other weapons for these crimes increased. Therefore, in addition to the national data on murder and robbery, the local data indicate that the relative use of other weapons increased after the legislation, especially for attempted murders, robberies (except for Ottawa) and for weapon offences.

The summary statistics from Vancouver and Toronto also allow an examination of the more specific question of whether the use of knives increased after the legislation.[4] The proportion of selected crimes committed with knives in these two jurisdictions during the pre- and post- legislation periods are shown in Figures II.9 and II.10. The only consistent findings relate to homicides and attempted murders, where the percentages of these crimes with knives are greater after than before the legislation.

A comparison of the data on the relative use of knives (Figures II.9 and II.10), with the data on the relative use of firearms (Figures II.3 and II.4), shows an inverse

Figure II.7

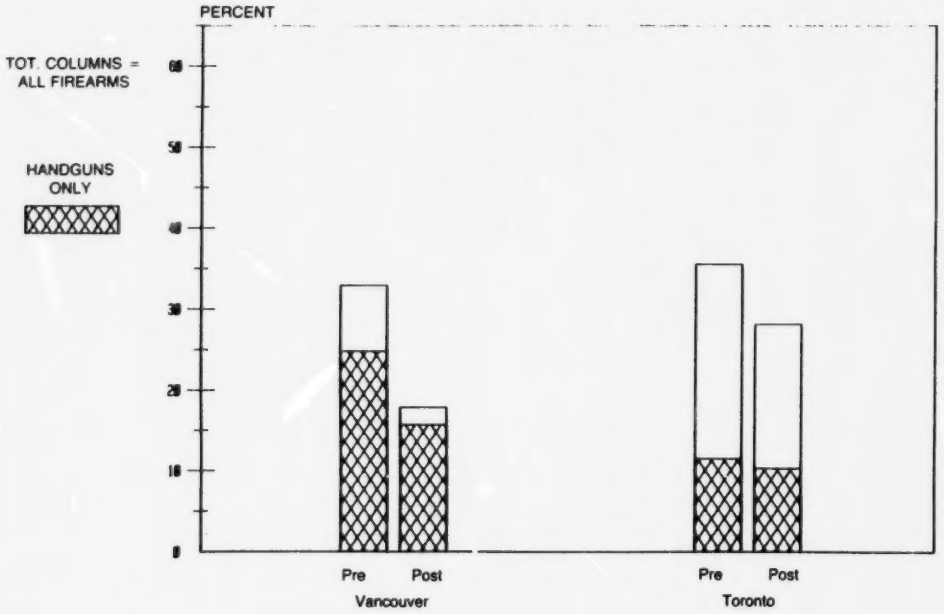
ROBBERIES WITH ALL FIREARMS AND WITH HANDGUNS ONLY AS A PERCENTAGE OF ALL ROBBERIES FOUR CITIES



Source: Summary statistics from local police departments

Figure II.8

WEAPON OFFENCES INVOLVING ALL FIREARMS AND WITH HANDGUNS ONLY AS A PERCENTAGE OF ALL WEAPON OFFENCES VANCOUVER AND TORONTO



Source: Summary statistics from local police departments

relationship between the use of firearms and knives. In both cities, the proportion of homicides and attempted murders committed with firearms decreased after the legislation, whereas the relative use of knives increased. Furthermore, with the exception of homicides in Vancouver (where knives were more frequent than firearms during both time periods), the comparison shows that a greater proportion of these crimes was committed with firearms than with knives prior to the legislation, and that the opposite was true during the period after the legislation.

In summary, these data indicate that the greater controls over firearms have resulted in a "displacement" effect, whereby greater proportions of several of the crimes examined are being committed with other weapons.

B. THE CHARACTERISTICS OF FIREARM CRIMES

This section examines the characteristics of criminal incidents involving firearms. The section has four parts: the first examines the types of firearm used; the second, the different kinds of firearm incidents; the third describes the location of these incidents; and the fourth the characteristics of suspects involved in firearm crimes.

In addition to further analyses of the previously described national data on murder and the summary statistics from local police departments, this section reports on selected elements from police "occurrence reports" on incidents involving firearms. Detailed information on the characteristics of firearm incidents was obtained from the police occurrence reports in Vancouver, Calgary, Ottawa, Quebec City and selected R.C.M. Police detachments in Nova Scotia and Saskatchewan.[5]

The occurrence reports data cover only the period following the legislation, from 1979 to 1981 in the four cities, and for 1980 and 1981 in the two R.C.M. Police jurisdictions. Therefore, no before/after comparisons will be possible with the occurrence reports data (this was done with the summary statistics). The purpose of collecting the data from the occurrence reports was simply to provide detailed information on the characteristics of firearm incidents and on suspects so as to gain a better understanding of the nature of firearm crime since the legislation.

Wherever possible, uniformity of the occurrence reports data across the six sources was maintained. However, the types of incidents and data were not identical from jurisdiction to jurisdiction. Ottawa, Quebec City and the R.C.M. Police detachments included domestic incidents and suicides with firearms, but neither Vancouver nor Calgary did so. Calgary was unable to provide information on a suspect's previous criminal history. Information concerning previous mental history or drug or alcohol use was available only from the two rural jurisdictions.

There also were differences in the internal coding procedures of each of the police departments, which means that each department may not necessarily have categorized offences in the same way.[6] Therefore, comparisons from jurisdiction to jurisdiction should not be made.

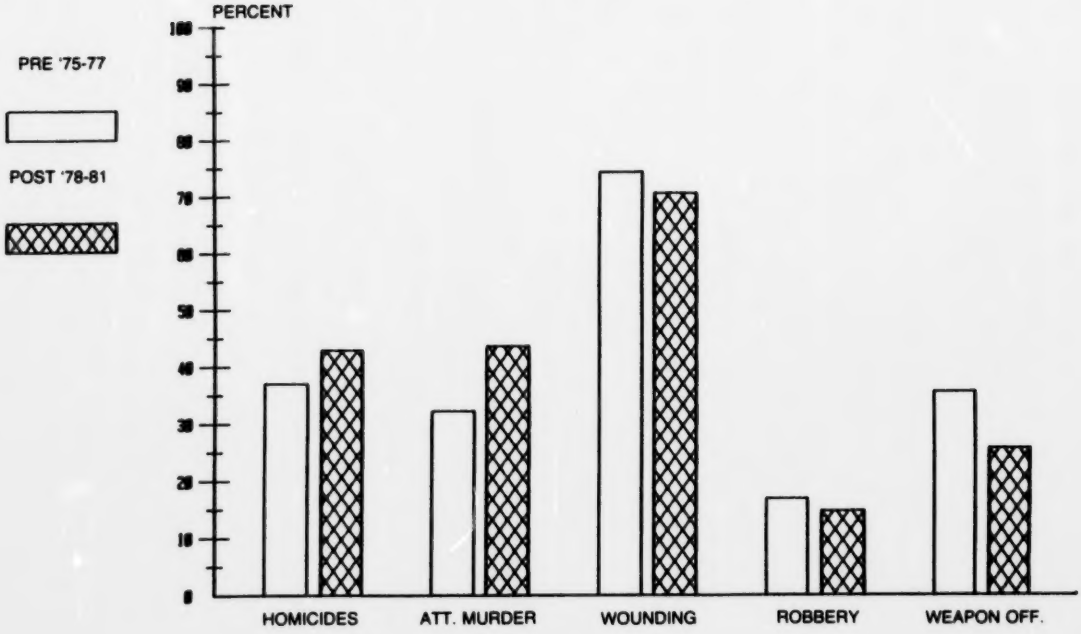
In addition, data on suspects with criminal records were obtained from the Criminal History Data Base (F.P.S.), based on fingerprint report submissions made to the R.C.M. Police by all police departments in Canada. Selected elements from these records have provided the study with information on the criminal history and sentences imposed on individuals charged with indictable offences involving firearms (F.P.S. data are further described in the section on sentencing in Chapter IV). These data reflect the date a suspect was sentenced, while the occurrence report statistics refer to the date the offence was committed. Thus, time lags of up to a year or more are to be expected in looking for effects of the legislation in the F.P.S. data.

1. What Types Of Firearms Are Used In Crime?

The data presented in Part A of this chapter indicated that while the proportion of crimes committed with all firearms combined often showed a decline from the pre- to

Figure II.9

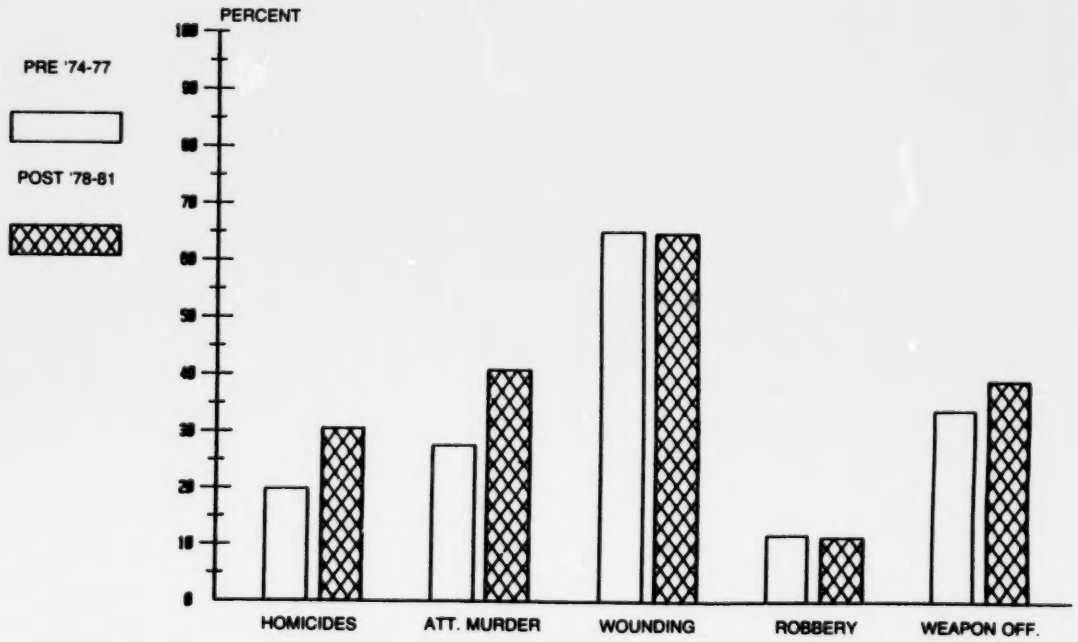
KNIVES AS A PERCENTAGE OF TOTAL OFFENCES
VANCOUVER



Source: Summary statistics from local police department

Figure II.10

KNIVES AS A PERCENTAGE OF TOTAL OFFENCES
TORONTO



Source: Summary statistics from local police department

the post- legislation periods, there was less evidence of a similar decline in the proportion of these crimes committed with handguns. These findings therefore indicate that the reduction in the relative use of firearms in crime after the legislation was primarily for other kinds of firearms, rather than for handguns. They also suggest that when firearms are used in crimes, the firearms are more likely to be handguns since the legislation went into effect.

Figures II.11 to II.16 show the use of handguns as a proportion of the selected crimes where some form of firearm was involved. With very few exceptions, these data show that the proportion of handgun use in crimes involving firearms has increased from the pre- to the post- legislation periods. Combined with the findings from the previous sections of this chapter, these data indicate that there has been a reduction in the use of other firearms since the legislation, although when some form of firearm was used, there was a greater likelihood since the legislation that it was a handgun.

More detailed information on the use of different kinds of firearms was obtained from the police occurrence reports for firearm offences after the legislation (see Table A1.8). These data indicate that robbery was the most frequent form of firearm incident in the four city jurisdictions. The type of firearm used most often in robbery was a handgun. The use of handguns in other crimes was far less prevalent. In the two rural jurisdictions combined, handguns were used in less than seven percent of all firearm-related incidents in 1980 and 1981. This was due partly to the fact that robberies with firearms were a relatively rare occurrence in these jurisdictions.

Rifles and shotguns were the most frequently used firearms in the other offences. This is particularly so in the rural jurisdictions, where over the period 1980 to 1981 an average of about 75 percent of the identified incidents involved rifles or shotguns.

2. What Kinds Of Firearm Offences Occur?

The percentage distribution of firearm offences from the occurrence report data are presented in Table A1.9. As previously noted, the most frequent firearm offences in the city jurisdictions were robberies. While considerable variation was found between jurisdictions for the other types of offences, it is worth noting that suicides represented a relatively large proportion of firearm incidents in the two rural jurisdictions.

3. Where Do Offences With Firearms Occur?

Information on the location of firearm offences was obtained from the occurrence reports (and from the Toronto Police Department), specifically whether the offences took place in a domicile, on a business premise, on the street, in a vehicle or in some other location. Table A1.10 sets out the percentage distributions of the location of selected offences in the seven case jurisdictons. Due to the small base numbers in the rural jurisdictions, the data from the Nova Scotia and Saskatchewan detachments were combined.

In each of the five city jurisdictions except Toronto, over 70 percent of firearm robberies occurred on business premises. No consistent patterns emerged over time, except perhaps for the percentage of firearm robberies of businesses, which rose in all jurisdictions between 1979 and 1980. The 1981 figures show percentages dropping in three jurisdictions, but all remained higher than the 1979 levels.

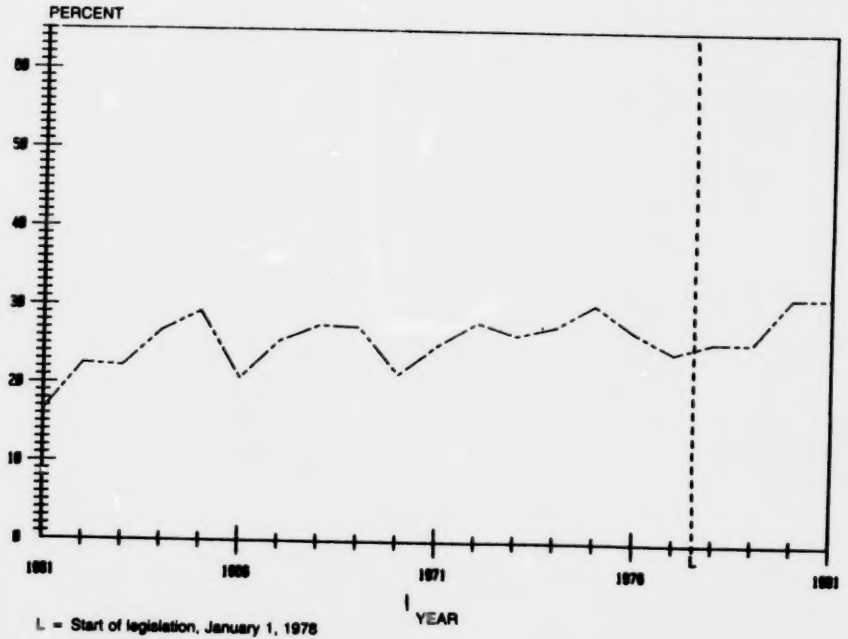
Four cities (Vancouver, Calgary, Ottawa and Quebec City) showed a decline between 1979 and 1980 in firearm offences occurring in the home, a trend which continued into 1981 in only Ottawa and Quebec City. No other consistent trends were noted.

4. The Characteristics Of Suspects Involved In Crimes With Firearms.

This subsection examines the age and sex of suspects charged with offences involving firearms. Suspects with histories of mental illness or under the influence of alcohol or drugs at the time of the firearm incident in the two rural jurisdictions also are

Figure II.11

HANDGUN MURDERS AS A PERCENTAGE OF ALL FIREARMS MURDERS CANADA 1961 — 1981

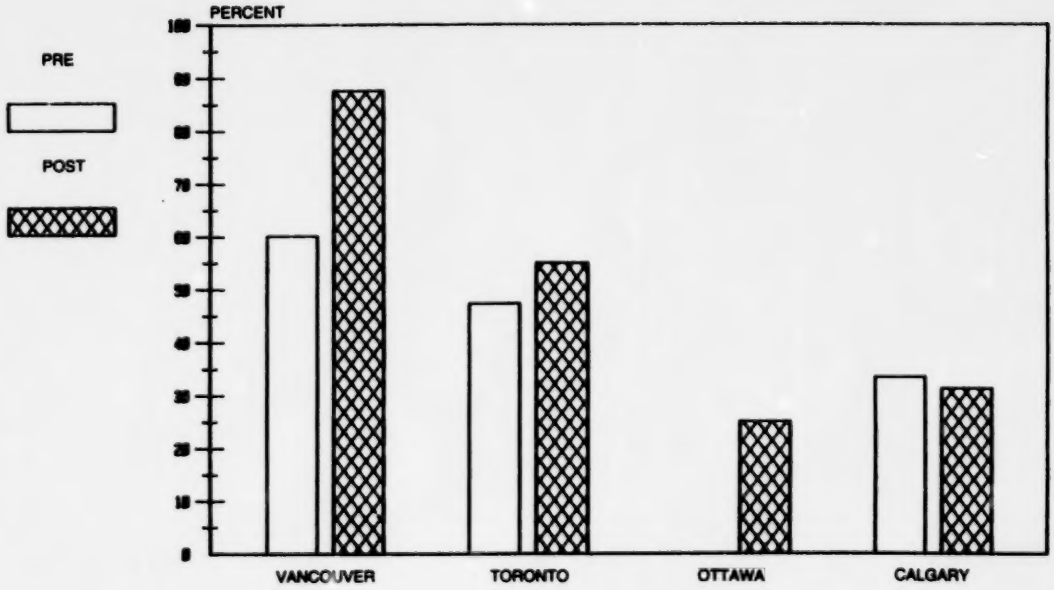


L = Start of legislation, January 1, 1978

Source: Canadian Centre for Justice Statistics

Figure II.12

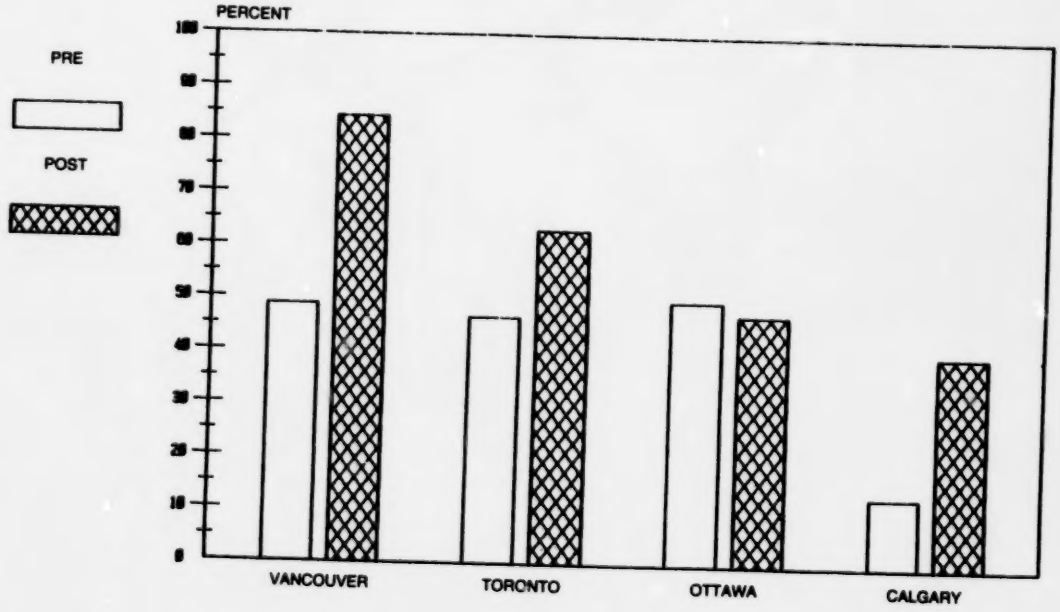
HANDGUN HOMICIDES AS A PERCENTAGE
OF TOTAL FIREARMS HOMICIDES
FOUR CITIES



Source: Summary statistics from local police departments

Figure II.13

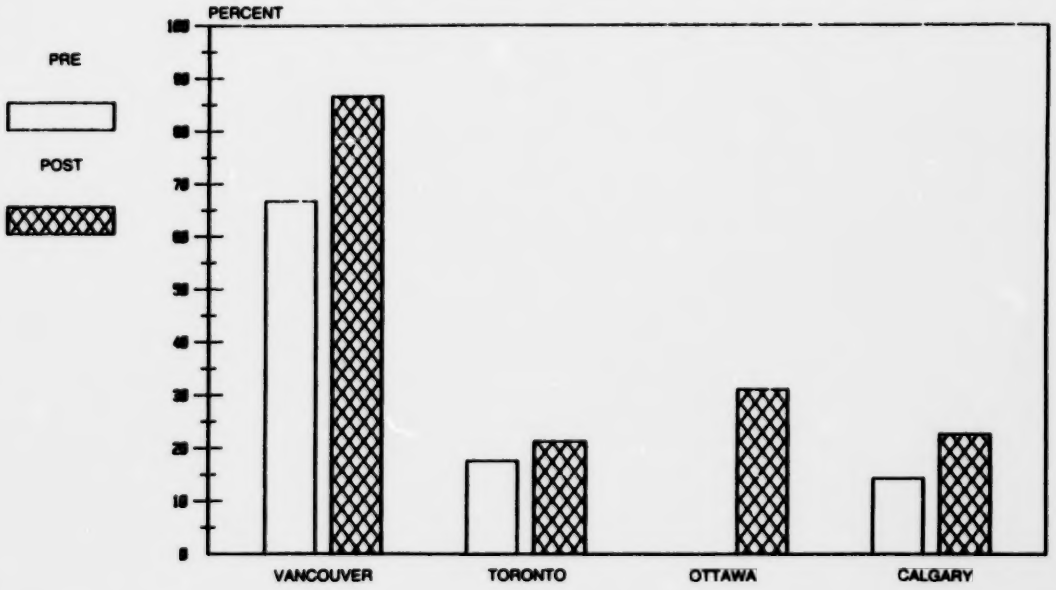
ATTEMPTED MURDERS WITH HANDGUNS AS A PERCENTAGE OF TOTAL ATTEMPTED MURDERS BY FIREARMS FOUR CITIES



Source: Summary statistics from local police departments

Figure II.14

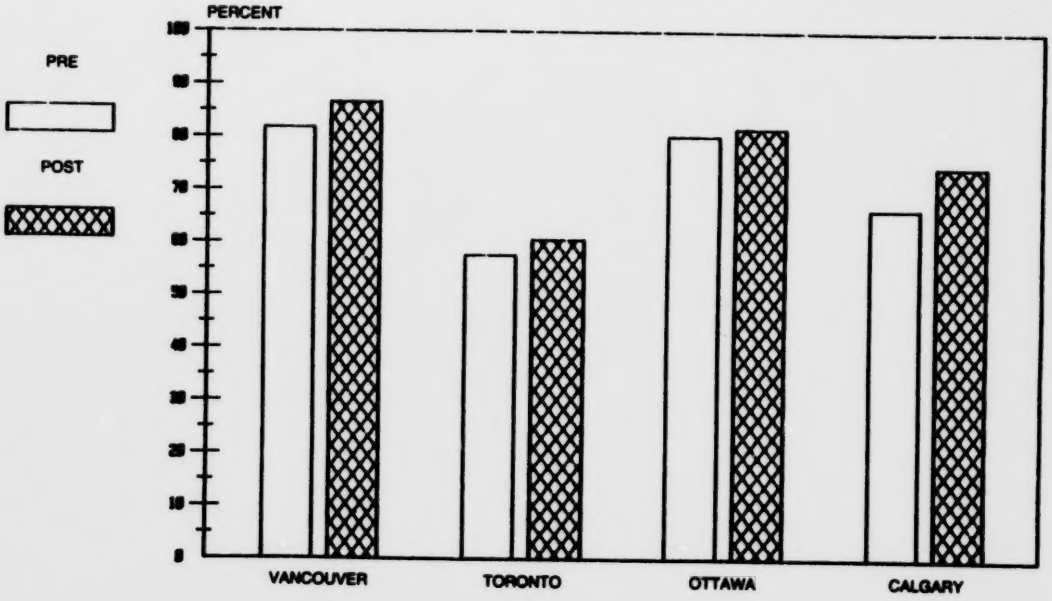
WOUNDINGS WITH HANDGUNS AS A PERCENTAGE
OF TOTAL WOUNDINGS WITH FIREARMS
FOUR CITIES



Source: Summary statistics from local police departments

Figure II.15

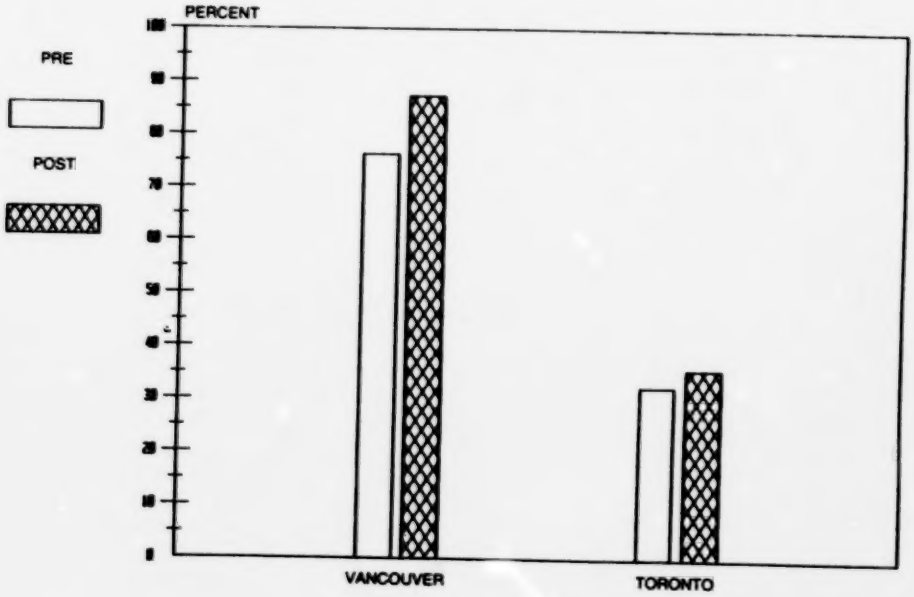
ROBBERIES WITH HANDGUNS AS A PERCENTAGE OF TOTAL ROBBERIES WITH FIREARMS FOUR CITIES



Source: Summary statistics from local police departments

Figure II.16

WEAPON OFFENCES WITH HANDGUNS AS A
PERCENTAGE OF TOTAL FIREARM WEAPON OFFENCES
VANCOUVER AND TORONTO



Source: Summary statistics from local police departments

examined. A detailed analysis is included concerning whether suspects involved in criminal offences with firearms have previous criminal records, and if so, the nature of the records.

a. How Old Are The Suspects?

The percentage distribution of the ages of persons charged with firearm offences in the local jurisdictions is presented in Table A1.11. The typical age of suspects was from 16 to 24 for robbery offences, but increasingly tended to include older age groups for other offences.
No consistent change or trends were observed over the period from 1979 to 1981.

b. Are Most Suspects Males?

Over 90 percent of suspects charged with firearm offences in the local jurisdictions were males. No trends were noted in the sex of suspects over the period of the study.

c. To What Extent Are Suspects Under The Influence Of Alcohol Or Drugs, Or Had Histories Of Mental Illness?

In the two R.C.M. Police jurisdictions, information was acquired on whether suspects had histories of mental illness or were under the influence of alcohol or drugs at the time of the firearm incidents.
The data on previous mental illness reflect only such information as was within the knowledge of the investigating police officer. The numbers involved were very small. Of 146 suspects charged with criminal offences with a firearm in both jurisdictions over the two years 1980 and 1981, only one had a known history of previous mental illness. In the same period, another 77 persons were apprehended but not charged. Of these, 11 had histories of previous mental illness.
A startling phenomenon was observed in the percentage of suspects from both rural jurisdications who were under the influence of alcohol or drugs at the time of the incident. Of the 146 suspects charged during 1980 and 1981, the police records indicated that 94 (64.4%) were under the influence of alcohol or drugs at the time of the firearm incident. This relationship between alcohol and drug use and firearm misuse in the rural jurisdictions seems considerable. However, because of the lack of data from the urban jurisdictions, it was not possible to assess whether this degree of alcohol or drug involvement would be found in the urban centres.

d. To What Extent Do Suspects Have Previous Criminal Records?

This discussion uses the occurrence report data from Quebec City, Ottawa and Vancouver and the national F.P.S. data. The Calgary police department was unable to provide information on suspects' criminal records.
In general, no consistent trends were found over the years 1978 to 1981 in the percentage of suspects charged with offences involving firearms who had previous criminal charges or convictions.[8] The number and percentage of suspects with previous records are found in Table A1.12. Nationally, in three of the four years examined, the percentage of suspects with previous records was about 55 percent.[9] The exception was 1980, a year in which there was a rise to 63 percent. Different patterns emerged in the three cities. Quebec City showed a net gain, with a substantial drop for 1980 only; from 41.8 percent in 1979 to 33.3 percent in 1980, and up to 47.5 percent in 1981. Ottawa also showed a drop in 1980, with the 1981 figures reaching the 1979 levels of about 65 percent. Vancouver showed a continuing upward trend, to approximately 69 percent in 1981.
The number of previous charges in the F.P.S. records of the suspects with at least

one previous charge was examined (see Table A1.13). The data for 1978 to 1981 showed a gradual shift to suspects with increasing numbers of previous charges. The percentage of suspects with five or more previous charges increased over the four year period. These data suggest a trend toward criminals with less lengthy records becoming less likely to be charged with firearms offences.

The national and case jurisdiction data on the nature of prior criminal records also was examined. Table A1.14 shows that suspects involved in firearm offences were more likely to have prior records of violent offences than of firearm offences. Nationally, over 55 percent of suspects with previous records had prior records of violent offences, and slightly over one quarter had prior firearm charges and/or convictions. The percentage of suspects with criminal records who had records involving violent offences increased from 55 percent in 1978 to 59.7 percent in 1981. On the other hand, no consistent changes occurred with respect to the percentage of suspects with previous firearm offence records.

Table A1.15 presents data on the number of previous firearm charges and/or convictions for those suspects with prior records involving firearm offences. While these data show that many of these suspects had several previous firearm-related charges or convictions, no consistent trends were apparent during the four year period.

In order to assess further the severity of the prior criminal record, suspects with prior records that included jail terms were observed. Also examined was whether any single jail term was for a period of two years or more, which would mean a penitentiary term, a more detailed indication of the severity of the prior offences. (See Tables A1.16 and A1.17).

The national data from 1978 to 1981 show that approximately half of the suspects with criminal records had previously spent time in prison. While no trends over the four years were apparent from the national data, the data from Quebec City and Vancouver indicated that suspects involved in offences involving firearms who had prior criminal records tended to have previously spent increasingly longer periods in prison. No consistent overall pattern was found in the percentage of suspects who had previous penitentiary sentences. The percentages peaked in 1980 for the national figures (29.0 percent) and in Quebec City (46.2 percent). In the other two jurisdictions, downward trends were found over the three year period ending in 1981, particularly in Vancouver where the percentages dropped from 100 percent to 48.1 percent.

To summarize, nationally:

— Over 50 percent of suspects involved in firearms related crimes had previous criminal records. There have been no major trends in this figure over the period 1978 to 1981.

— Of those suspects who had criminal records, between 44 percent and 50 percent had been subject to five or more charges and this rate increased between 1978 and 1981.

— A slight increase was observed in the percentage of suspects with criminal records who had prior records involving violent offences, but no changes were observed in the percentage rate of suspects with previous firearm offence records.

— Between 23 percent and 29 percent of suspects with criminal records had been sentenced to at least one penitentiary term. No major changes over time were observed.

Chapter III

NON-CRIMINAL FIREARM INCIDENTS

This Chapter examines the use of firearms in non-criminal incidents, i.e., hunting accidents, other accidents and suicides.[10]

A. FIREARMS ACCIDENTS

1. Has There Been Any Change In The Rate Of Accidents With Firearms?

A major goal of the 1978 legislation was to encourage the safe handling and storage of firearms. The implementation of the provisions relating to this goal is discussed in Chapter IV.

Vital Statistics data reveal that in each year since 1971, there have been less than 145 fatal firearms accidents in Canada. Between 1971 and 1980, fatal firearms accidents declined by 48 percent, from 144 to 75. The number and per capita rate of fatal firearm accidents, provincially and nationally, are displayed in Table A2.1. Figure III.1 illustrates the decline in the rate of fatal firearms accidents. These data show that although the decline began prior to the enactment of Bill C-51, the per capita rate of accidental deaths with firearms declined further after the legislation.

Data on fatal and non-fatal firearm accidents were obtained from the Hospital Morbidity Section of Statistics Canada. These data (see Table A2.2) were limited to different time periods, and were only available for some of the provinces. It was not possible to segregate the non-fatal from the fatal accidents. Though limited, these data combined with the information on fatal accidents from Vital Statistics, indicate that the rate of accidents with firearms has decreased since the legislation.

2. Has There Been Any Change In the Rate Of Hunting Accidents?

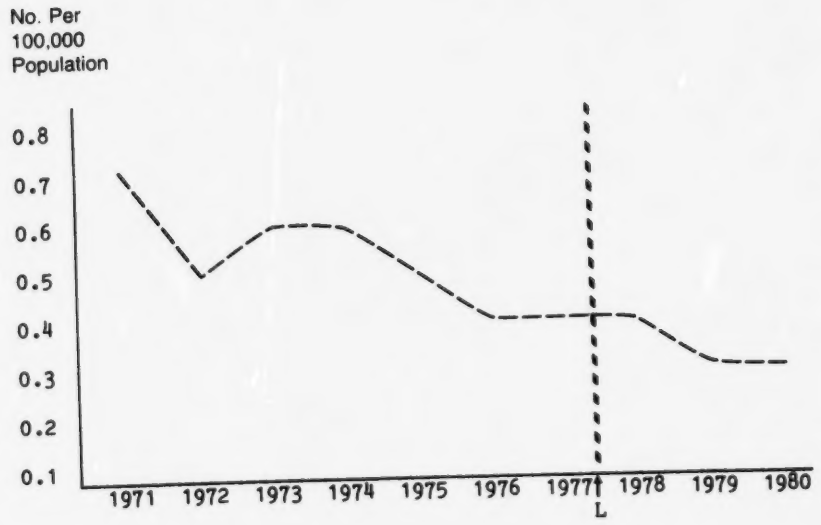
Data on hunting accidents (fatal and non-fatal) and hunting licences sold were available for six provinces (see Table A2.3). In each province there was a reduction over the years examined in the number of hunting accidents relative to the number of hunting licences issued. A summary of these data is shown in Figure III.2 where the rates over the provinces for which there were data were averaged (unweighted averages, omitting Newfoundland where there was only one year of data in the pre-legislation period).

Figure III.2 shows a rather sharp decrease in the average rate of hunting accidents for these provinces from 1960 to 1972, a relatively stable rate from 1972 to 1977, and a decline from 1978 to 1981. As in the case of fatal firearm accidents presented in Figure III.1, the aggregate rates of hunting accidents indicate that while the decline began prior to the start of the legislation, the rates were lower during each year of the post-legislation period than they had been for any of the previous years for which data were available.

An additional question of interest was whether the provincial mandatory hunter-firearm safety programs have had any effect on the rate of hunting accidents. In three of the provinces where such safety programs have been initiated, the rates of hunting accidents in the four-year periods before and after the programs were examined. (The four-year periods were chosen to avoid the confounding effects of long-term trends.)

Figure III.1

FATAL FIREARMS ACCIDENTS
PER 100,000 POPULATION
NATIONAL 1971 — 1980



L = Start of amending legislation, January 1, 1978

The efficacy of the programs is evident in the fact that in each of the three provinces, the post-program average rates were lower than the pre-program rates. In Ontario, where hunter safety programs became mandatory in 1967, the average number of hunting accidents from 1963 to 1966 was 1.95 per 10,000 licences. From 1967 to 1970 the average was 1.75 per 10,000 licences. In New Brunswick the mandatory program was introduced in 1969. The average rate of accidents per 10,000 licences from 1966 to 1968 was 2.13 while the average rate from 1969 to 1972 was 1.18. British Columbia, which began a mandatory program in 1973, had an average rate of 1.32 from 1969 to 1972, while the average over the period 1973 to 1976 was 0.95 per 10,000 licences issued.

In summary, there has been a general decline in firearm accidents. This decline has been particularly noticeable in fatal firearms accidents. In addition to a general long-term decrease in rates, both provincial mandatory safety programs and the firearms control legislation were coincident with declines in accident rates.

B. FIREARMS SUICIDES

1. Has There Been Any Change In The Use Of Firearms In Suicides?

Suicides with firearms occur approximately ten times more frequently than do firearm accidents. The national and provincial data presented in this section were acquired from the Vital Statistics Section of Statistics Canada. Data for the period 1971 to 1980 for Calgary, Vancouver, and Ottawa also were obtained from Vital Statistics. Suicide data for Toronto from 1974 to 1981 were obtained from the Toronto Police Department.[11] Finally it should be added that all data on firearms suicides include suicides by explosives.[12]

The number and per capita rate of firearm suicides by province and nationally are presented in Table A2.4, and the proportion of total suicides nationally by firearms and other means in Table A2.5

The number and per capita rate of suicides have gradually increased from 1971 to 1978, followed by a decrease in 1979 and 1980. The same pattern was obtained with respect to the per capita rate of firearm suicides. Because of the similarity in these trends, the reduction in the per capita rate of firearm suicides in 1979 and 1980 may not be related to the legislation, but may reflect the fact that suicides in general declined in these two years compared to 1978. However, a clearer difference can be seen by examining the percentage of total suicides committed by firearms.

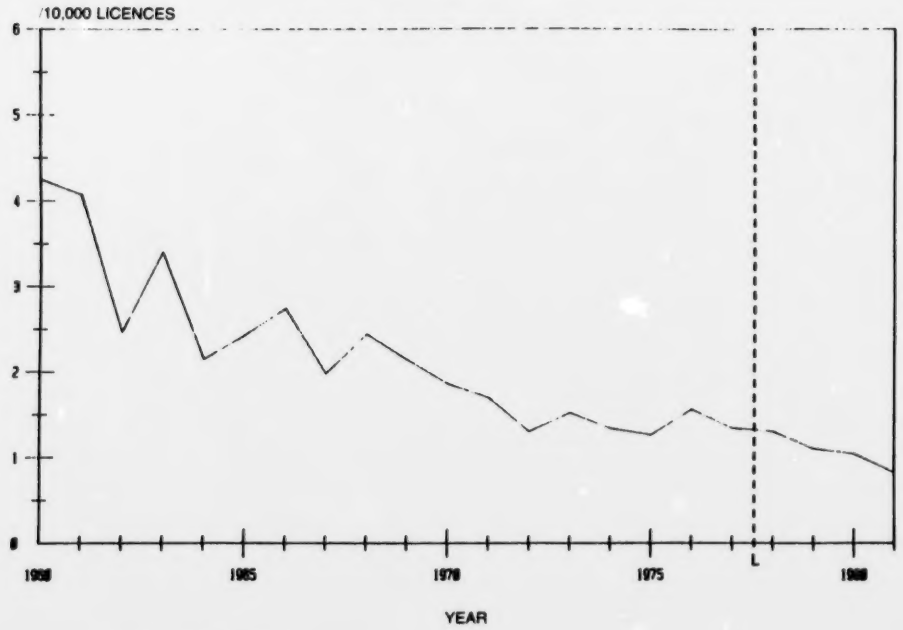
Suicides by firearms, hangings and drugs as a percentage of total suicides in Canada for the period from 1971 to 1980 are shown in Figure III.3. The use of knives (or more precisely, cutting or piercing instruments) has not been graphed because of the small numbers of such incidents. From 1971 to 1980, the number of suicides with knives increased from 44 to 58, but never constituted more than 1.7 percent of total suicides.

Figure III.3 indicates that there was a gradual upward trend from 1973 to 1977 in the percentage of suicides committed with firearms. However, this trend was reversed during the post- legislation period. The relative use of firearms in suicides was lower in 1979 and 1980 than it had been in any of the previous years for which data were available.

Figure III.3 also shows that firearms were the most frequently used means among the methods of suicides examined. In addition to the previously noted decrease in the relative use of firearms in suicides after the legislation, it can be seen that the proportion of suicides by drugs has also decreased during this period, while suicides by hangings have proportionally increased. Because the percentages of suicides by firearms and drugs have decreased, it is not possible to determine whether the increase in hangings was due to some form of displacement (e.g., due to greater controls over firearms).

Figure III.2

AVERAGE NUMBER OF HUNTING ACCIDENTS PER 10,000 HUNTING LICENCES ISSUED IN SELECTED PROVINCES



L = Start of legislation, January 1, 1978

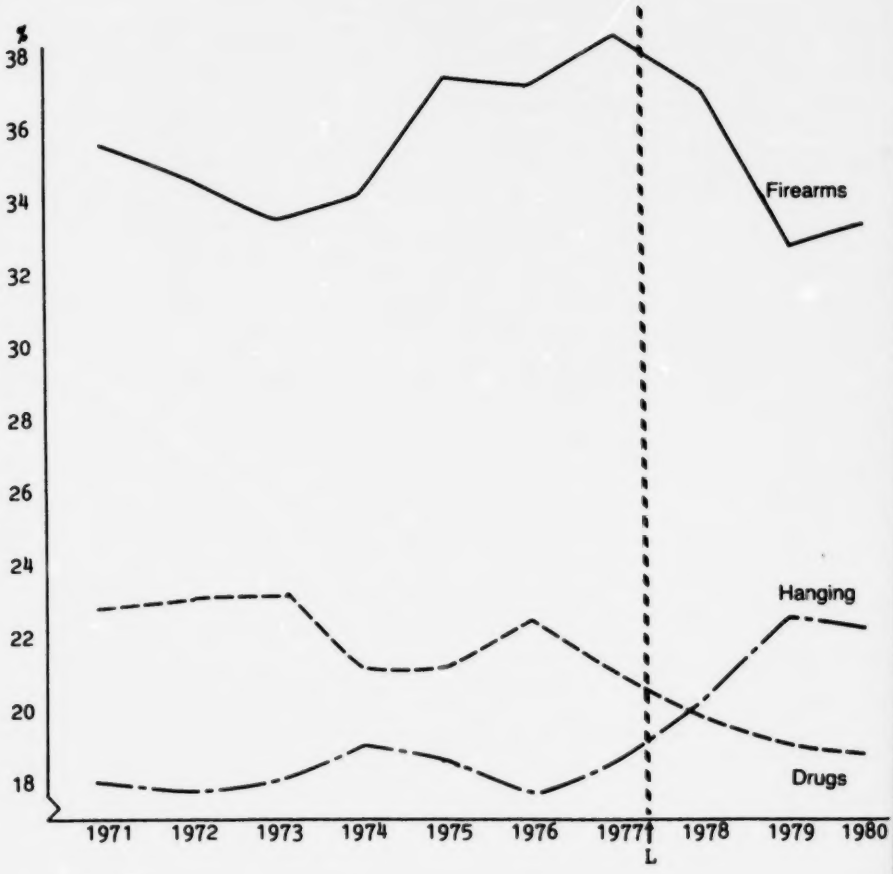
Source: Hunter/Firearm Safety Departments in Nova Scotia, New Brunswick, Ontario, Saskatchewan and British Columbia (see Table A2.3)

The data on suicides by various means for Toronto, Ottawa, Calgary and Vancouver presented in Table A2.6 showed the same general pattern as the national data. Despite wide fluctuations (due to the smaller number of incidents), the percentage of suicides by firearms in all four cities was lower during the post-legislation period than before.

In view of the national data, it can be concluded that the relative use of firearms in suicides decreased after the enactment of the legislation. This is similar to the pattern of findings that was obtained with respect to firearm accidents.

Figure III.3

SUICIDES BY FIREARMS, HANGING AND DRUGS AS A PERCENTAGE OF TOTAL SUICIDES NATIONAL 1971 — 1980



L = Start of amending legislation, January 1, 1981

Source: Vital Statistics

Chapter IV

IMPLEMENTATION AND EFFECT OF LEGISLATIVE PROVISIONS

Firearms control in Canada consists of the set of provisions described in Appendix 4. This chapter examines the implementation, and where possible, the effects of the provisions which relate to screening, sentencing, prohibition, search and seizure, safe handling and storage, and the regulation of businesses.

A. SCREENING

The Criminal Code provisions governing firearms in Canada categorize firearms into three groups:

— prohibited weapons;
— restricted weapons; and
— other firearms (referred to in this report as unrestricted firearms).

The legislation explicitly defines prohibited and restricted weapons. Firearms which fall outside the legislative definitions are unrestricted. Possession of prohibited weapons by private individuals is barred absolutely. Restricted weapons are available only in specified circumstances, while unrestricted firearms are available with minimal conditions.

Depending on the circumstances, possession or acquisition of restricted weapons and unrestricted firearms requires one or more of seven types of certificates and permits: a Firearms Acquisition Certificate (FAC); a minor's permit; a registration certificate; a permit to convey; a carrying permit; a permit to transport; or a business permit.

Screening is the process by which it is determined whether an applicant meets the criteria attached to the particular certificate or permit. The purpose of the screening provisions is to prevent firearm misuse before the fact by preventing incompetent or dangerous persons from acquiring firearms.

This section is divided into four parts. The first part provides a brief general description of the screening procedures and criteria associated with the firearms certificates and permits. The remaining three parts examine the implementation and effect of FAC's, registration certificates and carrying permits.

Permits to transport and permits to convey are administrative types of permits and will not be discussed. Minors' permits are not discussed because they are relatively rare. The number of Minors' permits issued by province can be found in Table A3.1. Business permits will be discussed in the last section of this chapter.

The data sources consist of the Commissioner's annual report to the Solicitor General of Canada for the years 1978 to 1981, the Chief Provincial/Territorial Firearms Officers' (C.P.F.O.'s) monthly reports, and the Firearms Sections in the Vancouver, Calgary, Toronto and Ottawa Police Departments.[13] Qualitative conclusions based on interviews with firearms officers and registrars will be made where warranted.

1. Description

Figure A3.1 displays the relationship between the categories of weapons, the certificates and permits and the issuing authorities. The terms and conditions attached to each of the certificates and permits are set out in Figure A3.2.

The most notable characteristics of the screening process are:

— acquisition of an unrestricted firearm requires a FAC. This was one of the major innovations introduced by Bill C-51;

— acquisition of a restricted firearm requires a FAC and registration certificate. The imposition of more stringent prerequisites to the issuance of registration certificates was also an important aspect of Bill C-51.

— restricted weapons are also subject to permits to convey, transport, and carry.

— screening is conducted by police agencies or under the authority of provincial governments

— a FAC is valid throughout Canada for five years and can be used to acquire an unlimited number of firearms. However, each restricted firearm requires an individual certificate and the screening process must be repeated on each application.

2. Firearms Acquisition Certificates (FAC's)

a. Implementation

How Many FAC's Are Issued? Because FAC's are valid for five years, a decline in the number of FAC's issued was expected by 1981, the third year in which the FAC system was in effect. Nationally, the number of FAC's issued per 10,000 population declined from 104 in 1979 to 87 in 1980 and to 68 in 1981. Table A3.2 shows the number of FAC's issued nationally and Tables A3.4 to A3.7 the number issued locally.

Provincially, the highest number of FAC's issued over the three years 1979 to 1981, occurred in Ontario where an annual average of about 52,000 FAC's were issued over these three years. However, per 10,000 population, only Prince Edward Island issued fewer FAC's than Ontario. By 1981, Prince Edward Island issued 45 FAC's per 10,000 population while Ontario issued 48.

The highest numbers of FAC's issued (per 10,000 population) were in the Yukon and the Northwest Territories. In 1981 410 FAC's per 10,000 population were issued in the Yukon and 175 per 10,000 population in the Northwest Territories.

How Many FAC's Are Refused? In all three years, Ontario showed the highest rate of refusals per 1,000 FAC applications, ranging from six per 1,000 in 1979 to eight per 1,000 in 1981 (see Table A3.3). This rate was approximately twice that in Quebec. Yet, though the rate of refusal in Quebec increased from 1979 to 1981, its refusal rate of 4 per 1,000 in 1981 was comparable to several other provinces. It is not clear therefore that a correlation can be drawn between the refusal rates and the FAC issuance rates.

Furthermore, there is inconsistency in the actual recording of FAC refusals. The first report observed that a system of "pre-screening" was widespread. That is, "poor" candidates were discouraged from actually making a formal application. "Pre-screening" continues to be prevalent though its use varies from jurisdiction to jurisdiction. Therefore, comparing the number of recorded refusals from jurisdiction to jurisdiction may not be useful.

On the other hand, assuming that the factors determining whether the refusals are recorded or not remained relatively stable over the three years, nationally there was an increase over the three years in the percentage of applications refused; from 0.39 percent in 1979, to 0.52 percent in 1980 and 0.60 percent in 1981.

Data on the reasons for refusals were obtained from two provinces, Ontario and New Brunswick, and two cities, Toronto and Ottawa (see Table A3.8). These data indicate that most of the refusals were made on the basis of the applicant's criminal record.

How Many FAC Refusals Result In A Reference? Applicants refused a FAC are entitled to request a reference to a magistrate, essentially a form of appeal. In 1979, 6.6 percent of FAC refusals nationally resulted in a reference; in 1980 this increased to 7.6 percent and in 1981 to 7.8 percent. (See Table A3.3).

These low rates may be caused by informal deterrents to requesting a reference. Although the applicant is informed of the refusal and the right to a reference, he or she also is informed that an unsuccessful reference will result in a mandatory five-year prohibition order. As firearms officers have more cases to use as precedents, they are able to make more informed decisions about when refusals will be upheld. They are able to use this information either when deciding to make the initial refusal or when advising the applicant of the reference procedure. In any event, the low number of references makes it difficult to draw firm conclusions concerning trends.

Of the references which have occurred, nationally the percentage of refusals confirmed declined from 47 percent in 1979 to 45 percent in 1980, but increased to 57 percent in 1981. This increase also may be due to firearms officers acquiring greater experience in assessing when refusals will be upheld in court and making the decision to refuse accordingly.

The case law relating to references is quite limited and is focussed for the most part on the procedural aspects of the hearings. The limited provisions in the legislation governing references have led to some conflicting cases. *Unterreiner v. The Queen* (1979-80), 4 W.C.B. 216 (Ont. Co. Ct.) indicated that a magistrate could confirm or vary a firearms officer's opinion only on the basis of the evidence before the firearms officer. However, in *R. v. Kokoshki* (1980), 4 W.C.B. 472 (Ont. Prov. Ct.), it was held that the reference was in the nature of a trial *de novo* which meant further evidence could be adduced. In *R. v. Dhillon* (1982), 7 W.C.B. 131 (B.C. Co. Ct.), it was held that the reference resembled a "review" in which the court could hear evidence considered by the firearms officer and any additional evidence offered. The Court also held that the reference could consider questions of both law and fact and the level of proof was "on a balance of probability". It would appear that the lack of legislative guidance concerning procedural rules still leaves the conduct of some aspects of a reference open to question.

In summary, about eight percent of FAC refusals were appealed, and from 1979 to 1981, about 50 percent of these appeals were successful.

How Many FAC's Are Not Picked Up? In accordance with federal/provincial cost sharing arrangements, the police or justice unit responsible for administering the screening process is reimbursed for FAC's processed. This means that whether or not a FAC is picked up and paid for is a charge to the

system. The extent to which applicants are required to pay the $10.00 FAC fee at the time of their application varies among provinces. The procedures used to process FAC applications in British Columbia, New Brunswick, and in some parts of Quebec for the most part require pre-payment, but do not in the other provinces.

Data on the extent to which FAC's were not picked up were acquired from five provinces. The number of uncollected FAC's as a percentage of total applications for 1980 and 1981 in these provinces was:

	1980	*1981*
Newfoundland	0.70%	1.94%
Nova Scotia	1.63%	4.50%
Quebec	2.30%	2.19%
Ontario	7.79%	10.43%
Alberta	5.48%	11.36%

With the exception of Quebec, the provinces showed increases in the percentage of FAC applications not picked up. Data on uncollected FAC's also were obtained from Toronto, Ottawa and Calgary for 1979 to 1981. The percentage of FAC applications not picked up in these cities was:

	1979	*1980*	*1981*
Toronto	17.0%	12.8%	14.8%
Ottawa	5.6%	16.7%	16.6%
Calgary	3.0%	17.0%	13.8%

The percentage of uncollected FAC's was relatively stable in Toronto, and has substantially increased in Ottawa and Calgary. In all three cities, the percentage of uncollected FAC's in 1980 and 1981 remained quite high.

b. Effect

The assessment of whether the FAC system has been effective is limited. The best means of assessment would be to analyze the number of individuals with FAC's who subsequently became involved in firearm incidents. However, comprehensive data on whether individuals involved in firearm incidents had a FAC are not available.

Another method would be to examine whether the number of previously known criminals involved in firearm crimes declined after the implementation of the system. The hypothesis is that the FAC screening process should prevent persons with serious criminal records from legally obtaining firearms. This hypothesis probably is not valid for individuals with histories of violent crimes involving firearms since such persons in all likelihood would not acquire their firearms through legal channels. However, it may be valid for persons involved in minor offences, particularly if they relate to firearm usage or storage. In either case, as discussed in Chapter II, no major changes were noted in the proportions of accused with criminal records.

Finally, the effect of the FAC program can be inferred through an analysis of pre- and post-1978 use of firearms in criminal incidents. As observed in Chapter II, there does seem to have been a general reduction in the percentage of offences involving firearms. It is impossible, however, to determine to what extent the FAC program contributed to this downward trend.

3. Registration Certificates

a. Implementation

Screening for registration certificates is a two-step process. The first step involves a general check of the applicant, similar to that conducted on an FAC application. The second involves confirming that the applicant is eligible to possess a restricted weapon according to one of the six criteria set out in the legislation:

— for protection of life;
— for a lawful profession or occupation;
— for target practice at a club;
— for non-club related target practice;
— because the applicant is a bona fide collector; or
— because the firearm is a relic.

Although the initial processing of the application and the screening is conducted by the local registrar of firearms, the actual issuance of registration certificates is the responsibility of the Commissioner of the R.C.M. Police. The legislation stipulates that the Commissioner shall issue the certificate unless he has notice that it is not desirable in the interests of safety. The administration and processing of certificates on behalf of the Commissioner is carried out by the Firearms Registration and Administration Section of the R.C.M. Police (F.R.A.S.).

How Many Registration Certificates Are Issued? The month of November, 1978, was declared a firearms amnesty period, during which immunity was granted to persons submitting their weapons for disposal or registration. Over 40,000 firearms were submitted for the purpose of establishing or updating registration. The majority of these registrations were processed in 1979. It is within this context that data on registration certificates issued must be assessed. Figure IV.1 shows the number of registration certificates issued nationally (per 10,000 population). (See also Table A3.9).

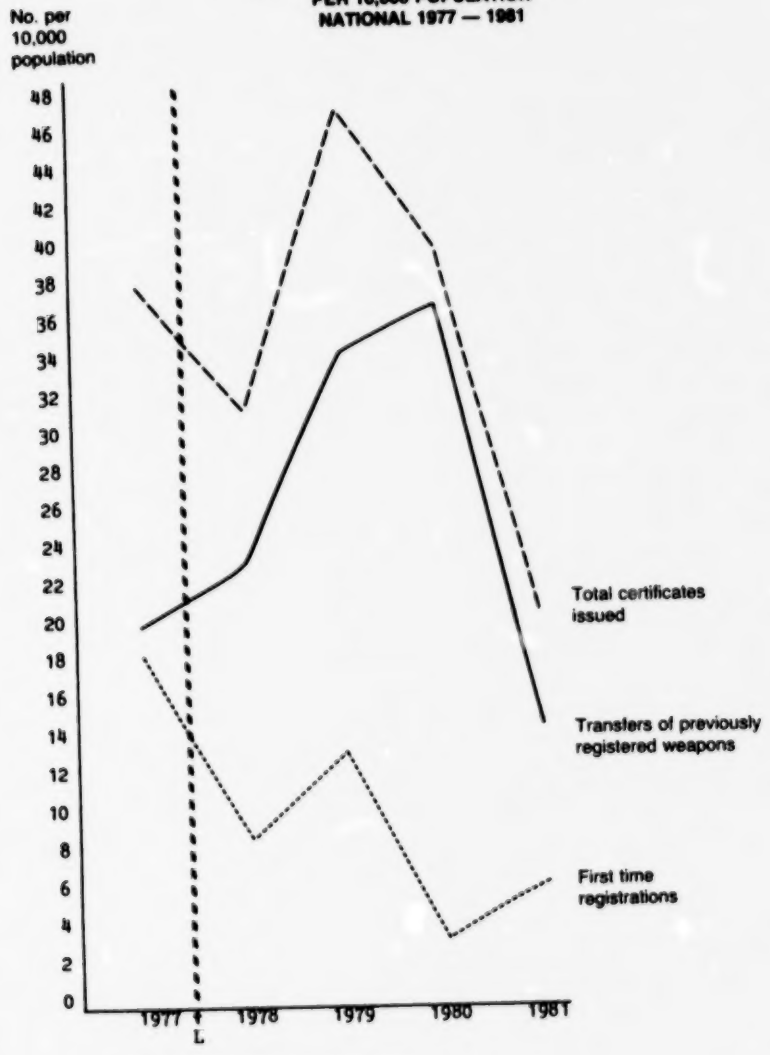
Registration certificates are issued for newly registered restricted weapons and for the transfer of previously registered weapons to new owners. The rate of certificates issued for the purposes of transfers increased from 23 per 10,000 population in 1978 to about 36 per 10,000 in 1980. The higher rates from 1978 to 1980 probably are related to the amnesty program. Between 1980 and 1981 there was a sharp decline to 15 certificates per 10,000 people. Registration certificates issued for transfer purposes constituted between 70 and 90 percent of all certificates issued over the four years examined.

The number of first time registration certificates issued did not follow the downward slope seen in transfer certificates issued since 1980. As a result of the amnesty program, there was an increase in the rate of first time certificates issued between 1978 and 1979; from eight per 10,000 to 13 per 10,000. Between 1979 and 1980 there was a decline to three per 10,000. However, between 1980 and 1981, first time registrations increased to six per 10,000. Despite this increase, the rate of first time registrations in 1981 remained below the 1978 level.

In the four local jurisdictions, only Ottawa showed a decline in the rate of registration certificates recommended between 1980 and 1981 (see Figure IV.2). Certificates recommended in Toronto increased from five per 10,000 population in 1979 to 10 per 10,000 in 1981; in Vancouver from approximately

Figure IV.1

REGISTRATION CERTIFICATES ISSUED
PER 10,000 POPULATION
NATIONAL 1977 — 1981



L = Start of legislation, January 1, 1978

five per 10,000 in 1979 to eight per 10,000 in 1981; and in Calgary from about 20 per 10,000 in 1979 to approximately 27 per 10,000 in 1981.

By 1981 there were about 21 registration certificates issued for every 10,000 persons in Canada.[14] Toronto, Vancouver and Ottawa were below the national average, while Calgary was above it.

The data from the R.C.M. Police Firearms Registration and Administration Section (F.R.A.S.) do not identify registration certificates by type of certificate. The only sources of this information were the Chief Provincial/Territorial Firearms Officers' (C.P.F.O.'s) monthly reports (see Table A3.10). There are discrepancies between the total numbers as recorded in the C.P.F.O. reports and the numbers reported by F.R.A.S..[15] Therefore, these data are used only to obtain a general idea of the distribution of certificates issued by criteria.

According to the C.P.F.O. data, about one-half of all certificates issued from 1979 to 1981 were issued for the purpose of target practice at a club and about 20 percent for the purpose of protection of life. This latter group usually is confined to occupations such as prospectors, geologists, etc.

How Many Certificates Are Refused Or Revoked? The decline in the number of registration certificates refused and revoked is striking.

	1978	*1979*	*1980*	*1981*
Refusals	168	66	0	1
Revocations	93	32	4	3

The large numbers of refusals and revocations in 1978 and 1979 likely were due to the amnesty period, and the 40,000-odd applications for certificates. The lower numbers in 1980 and 1981 may be due also to more rigorous prerequisites attached to registration certificates introduced by Bill C-51. Ineligible or inappropriate applicants now may be pre-screened so that such applications rarely reach the Commissioner. Finally, the lower refusal also may be a function of the fact that, as with FAC's, the local Firearms Sections may discourage unsuitable applicants from making a formal application.

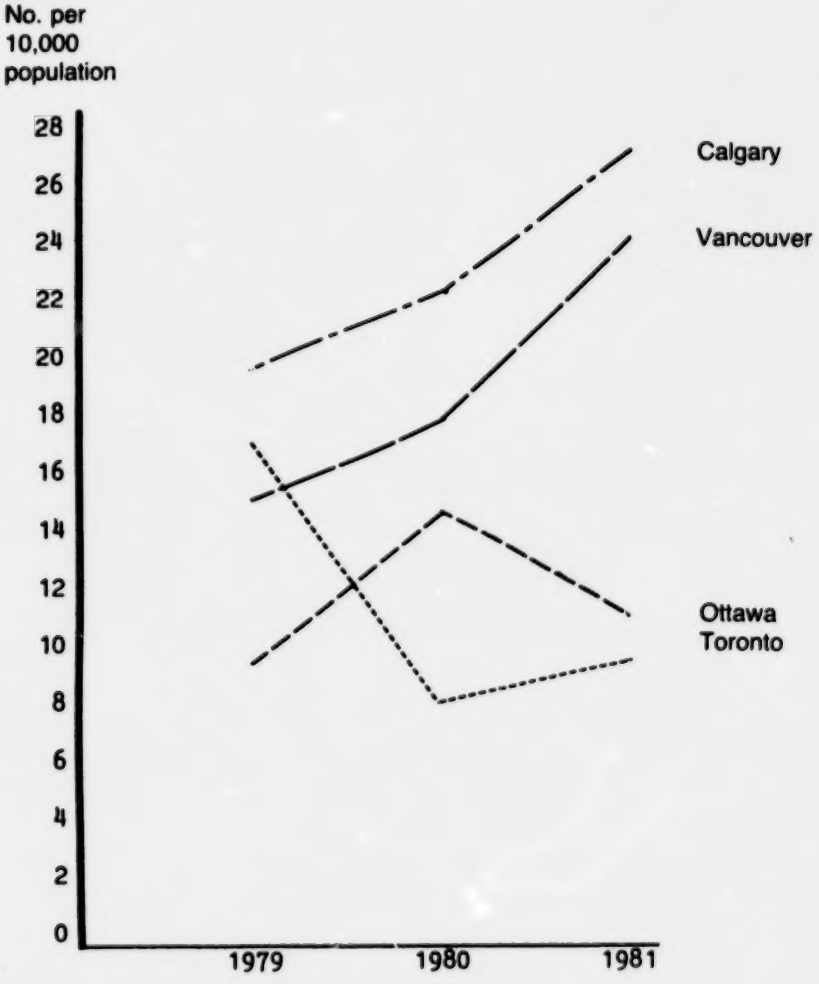
b. Effect

The only available means of evaluating the effectiveness of the registration certificate screening procedures was to examine whether there had been any change in the extent to which handguns and other restricted weapons were involved in firearm incidents, such changes being concurrent with the introduction of the new criteria governing the issuance of registration certificates.

Direct information on whether restricted weapons used in firearm incidents were registered or not is not available. However, the use of handguns in various criminal incidents pre- and post-Bill C-51 was discussed in Chapter II. It was observed that overall, an increasing percentage of criminal offences with firearms involved handguns. However, it is questionable whether criminals contemplating violent crimes would attempt to acquire their handguns legally, and therefore the effectiveness or ineffectiveness of the registration certificate screening process cannot be inferred from these findings.

Figure IV.2

REGISTRATION CERTIFICATES RECOMMENDED PER 10,000 POPULATION FOUR CASE JURISDICTIONS 1979 — 1981



Sources: Firearms Sections

4. Carrying Permits

a. Implementation

The criteria for issuing carrying permits are analogous to those for registration certificates: protection of life; bona fide occupation; target practice at a club; and target practice generally. A registration certificate is required in order to obtain a carrying permit, although the issuance of a registration certificate does not necessarily mean that a carrying permit will be issued. In addition to the general background check, screening is conducted on whether a carrying permit is indeed required and the criteria met.

The most notable change in the carrying permit provisions was that the permit would no longer be issued for the purpose of protection of property.

How Many Carrying Permits Are Issued? Nationally, neither the absolute number nor the rate per 10,000 population of carrying permits issued over the years 1979 to 1981, showed any fluctuations of note (see Table A3.11). In each year, carrying permits were issued at a rate of about 12 per 10,000 population.

Nationally, the types of carrying permits also showed little change. On average, from 1979 to 1981, 75 percent of permits were issued for the purpose of target practice at a club and approximately 20 percent for purposes related to occupation (e.g., security guards). Very few were issued for the purpose of protection of life or for target practice other than at a club (an average of about two percent for each category over all three years).

Provincially, the highest rate of carrying permits issued was in British Columbia, where in all three years over 25 carrying permits per 10,000 population were issued. Over 88 percent of these were issued for the purposes of target practice at a club. The lowest rates of carrying permits issued were found in the Atlantic Provinces (an average of about three per 10,000 population from 1979 to 1981) and the two Territories (an average rate of about four per 10,000 population in 1980 and 1981).

Carrying permits issued per 10,000 population in the four case jurisdictions are illustrated in Figure IV.3 (also see Tables A3.4 to A3.7). Calgary issued the highest number of FAC's and registration certificates per 10,000 population. Ottawa issued the highest number of carrying permits per 10,000 population. The Ottawa data showed the highest rate of carrying permits issued although it was the only one of the local jurisdictions to show a decline between 1980 and 1981. In 1981, Ottawa and Calgary both issued approximately 17 carrying permits for every 10,000 persons.

The other notable trend occurred in Vancouver. The number of registration certificates issued in Vancouver per 10,000 population closely paralleled the upward trend seen in Calgary. However, Vancouver had the lowest rate of carrying permits issued per 10,000 population.

In Ottawa, the rate of carrying permit issuance probably is related to the diplomatic population in that a large percentage of carrying permits are issued to private security firms for the purpose of providing security to the various embassies.[16]

How Many Carrying Permits Are Refused Or Revoked? Nationally, the percentage of carrying permit applications refused was very small, and declined over the years 1979 to 1981. In 1979, the percentage of applications refused

was 2.3, which declined to 1.5 percent in 1980 and further declined to 0.6 percent in 1981 (see Table A3.12). Only the Yukon, with an average refusal rate of 4.4 percent over 1979 to 1981, and Quebec, with an average of six percent, had a higher percentage rate of refusal. In any event, Quebec with a refusal rate declining from 8.6 percent in 1979 to 2.7 percent in 1981 also followed the national trend of declining refusal rates.

At the local level, only Toronto recorded any post-1979 refusals; none in 1980 and 14 in 1981. In Vancouver, Ottawa, and Calgary there was a combined total of only seven carrying permit refusals over the period 1979 to 1981.

Applicants for carrying permits must previously have been approved for both a FAC and a registration certificate. The vast majority of applicants require the permit for the purpose of target practice at a club. Such applicants probably are more aware of the provisions and administration of the firearm legislation than the general public. Accordingly, the declining rate in carrying permit refusals may be a function of better informed applicants who impose self-screening.

b. Effect

Aside from the fact that carrying permits are no longer available purely for the purpose of protection of property, Bill C-51 did not introduce any major modifications to the carrying permit screening procedures. Given that acquiring a registration certificate is a prerequisite to obtaining a carrying permit, any effect of carrying permit screening is linked to the effect of screening for registration certificates. The reader is therefore directed to the previous discussion on screening procedures for registration certificates.

To summarize the findings relating to the screening process as a whole, the rate of FAC applications refused increased from 1979 to 1981. In 1981, in all provinces except New Brunswick, less than one percent of FAC applications resulted in a formal refusal. At the same time, the refusal rates for registration certificates and carrying permits declined. This suggests that the screening process has its greatest impact at the time of the applicant's first introduction to the system. There are no meaningful data available to allow an assessment of the direct effectiveness of the screening process.

B. SENTENCING

A major thrust of Bill C-5l was to increase the severity of criminal law sanctions governing the misuse of firearms. The means used by the legislation were varied: new offences were created, the definitions of existing criminal offences were widened, and more severe penalties were provided for criminal misuse.[17]

This section consists of two sub-sections. In the first, the implementation of the sentencing provisions is examined by focussing on

— how often and under what circumstances the new penalties are being invoked for criminals who use firearms; and

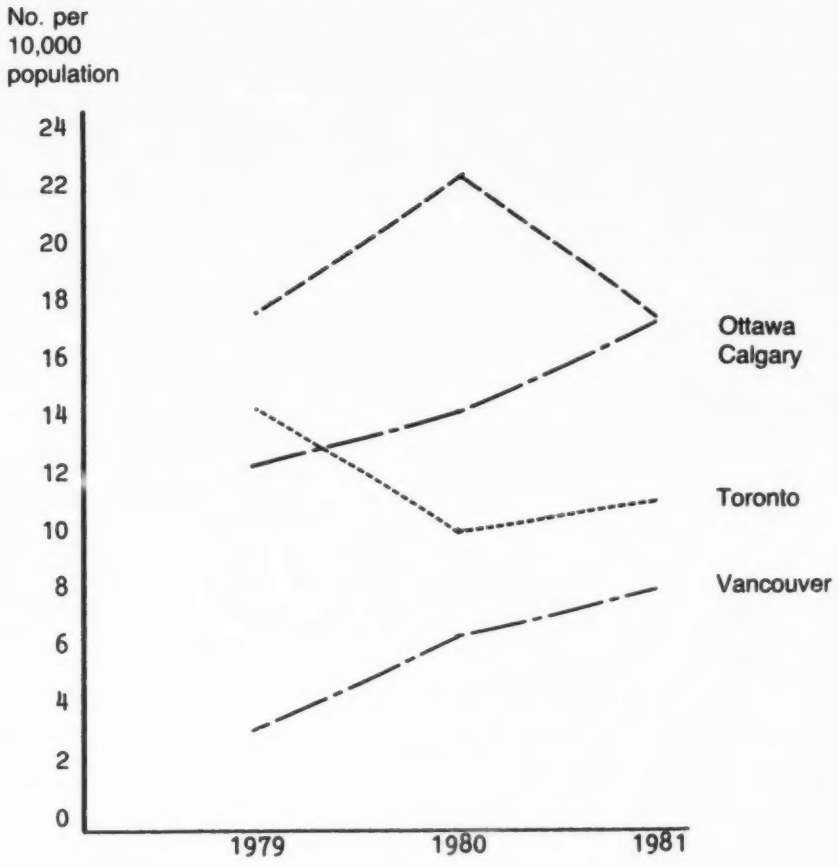
— whether criminals who use firearms are receiving more severe penalties.

Particular attention is paid to the implementation of the offence of using a firearm while committing or attempting to commit an indictable offence, s.83. This is probably the most important of the new offences because it is subject to a *minimum* sentence. Thus:

— on a first offence, the accused is subject to imprisonment for a minimum of one year and a maximum of 14 years (providing there are no previous convictions for an indictable offence using a firearm); or

Figure IV.3

CARRYING PERMITS ISSUED PER 10,000 POPULATION FOUR CASE JURISDICTIONS 1979 — 1981



Source: Firearms Sections

— on a second or subsequent s.83 offence (or a first offence if the accused had been convicted prior to 1978 of an indictable offence using a firearm), the accused is subject to imprisonment for a minimum of three years and a maximum of 14 years.[18]

In the second sub-section, the effectiveness of the sentencing provisions is assessed by examining whether repeat criminal offences involving firearms are declining compared to first offences.

The analyses found in this section rely on data from three main sources: selected elements from the R.C.M. Police Criminal History records on persons charged with firearms offences; the occurrence report data from Vancouver, Ottawa and Quebec City; and selected elements from the records of persons charged with robbery using an offensive weapon in Vancouver over the years 1976 to 1981. Judicial decisions where relevant also will be discussed briefly.

The following is a more detailed description of the three main data bases:

R.C.M. Police Criminal History Records (F.P.S.): Fingerprint forms on persons charged with an indictable offence are submitted to the R.C.M. Police by police departments across Canada. The R.C.M. Police then assign a unique Fingerprint Section Number to the initial fingerprint report. This number is used to identify a particular file and individual. Further fingerprint forms or correspondence pertaining to an individual who already has been assigned an F.P.S. number then are placed in the file (see Note 7).

Using these records, the R.C.M. Police have provided selected information from the reports on persons charged with a firearms offence. This information is what the report refers to as the F.P.S. data. The data cover the period July 1, 1978 to the end of December 1981. The reader should note that:

— the date by which these data are described is the date of sentence, not the date of the occurrence of the incident or the date charges are laid; and
— the analyses record only up to six charges per suspect.[19]

Occurrence Reports: The occurrence report data were described in some detail in the section on firearm crime characteristics in Chapter II. In the present section, the disposition information in the occurrence reports from Vancouver, Ottawa and Quebec City is used. As with the F.P.S. data, only up to six charges per suspect are analysed.[20] Unlike the F.P.S. data, however, the date of record for the occurrence report data is the date the incident occurred.[21]

Vancouver Robbery Data: The sentencing data from the F.P.S. and case jurisdictions were limited to offences involving firearms, and were further limited to the post- legislation period. However, a special study was conducted in Vancouver to examine sentences for all robberies with offensive weapons (excluding robbery with "bodily force" where firearms or other offensive weapons were not involved) for the years 1976 to 1981 in order to compare sentences for firearm and other offensive weapon robberies before and after the legislation.

1. Implementation

This sub-section examines the sentences over the period 1979 to 1981 imposed on suspects charged with firearms offences: the actual number of firearms charges laid, the disposition of these charges, the length of jail terms, whether jail terms were consecutive or concurrent, the relationship between s.83 and robbery charges, the sentences imposed on charges of robbery with an offensive weapon and finally, whether a previous criminal record had an impact on the current sentence.

a. Has There Been Any Change in the Number of Firearms Charges?

The first important measure observed was an increase in the number of firearms charges over the years 1979 to 1981. Nationally, the number increased between

1979 and 1980 and to a lesser extent between 1980 and 1981. This is illustrated below in Figure IV.4 (also see Table A3.13).

The increase from 1979 to 1980 was 1,470 charges, or 31.0 percent. The increase in the following year was 339 charges, or 5.4 percent. These data indicate an immediate, large increase after the enactment of the legislation, followed by a smaller increase in 1981.

b. Has There Been Any Change In The Disposition Of Firearms Charges?

This discussion examines the national totals of all firearms charges (Table A3.13), and the city data (Table A3.14).

Nationally, the percentage of charges resulting in a "no conviction" disposition showed no change over the three-year period, remaining at approximately 24 percent. Therefore, despite the large increase in the number of firearm charges immediately after the legislation (from 1979 to 1980, discussed in section a. above), the fact that there was no corresponding increase in non-convictions indicates that the legislation did not lead to an increase in charges for which there was insufficient evidence for convictions (i.e., indiscriminate charging). The city jurisdiction data revealed substantial variability in the proportion of charges resulting in non-convictions, but no consistent increases were apparent from these data.

On the other hand, it was expected that the legislation would result in an increase in the severity of sentences for those convicted of firearm offences. The F.P.S. data indicated that 34.0 percent of those convicted of firearm offences in 1979 incurred jail terms. This percentage increased to 36.5 in 1980 and to 35.8 percent in 1981. In Vancouver, 19.2 percent of firearm offence convictions received a jail term in 1979; 45.6 percent did so in 1980, and 56.9 percent in 1981. For Ottawa, the percentage of convictions resulting in jail terms remained relatively constant (about 50 percent) for the three years. However, an anomalous pattern was found in Quebec City, where the corresponding percentages were 81.2, 41.7 and 54.5 percent. The number of cases in Quebec City was quite small, and it may be concluded that the severity of sentences (i.e., jail) for firearm offences increased in 1980 and 1981 as compared to 1979.

The sentencing for the use of a firearm in an indictable offence (s.83) was of special interest because this offence carries a minimum jail term of one year. In keeping with this mandatory provision, the national F.P.S. data indicated that over 90 percent of s.83 convictions resulted in jail terms in all three years, and that this percentage showed a slight increase over this time period (92.9 percent in 1979, 94.8 in 1980, and 96.4 in 1981).

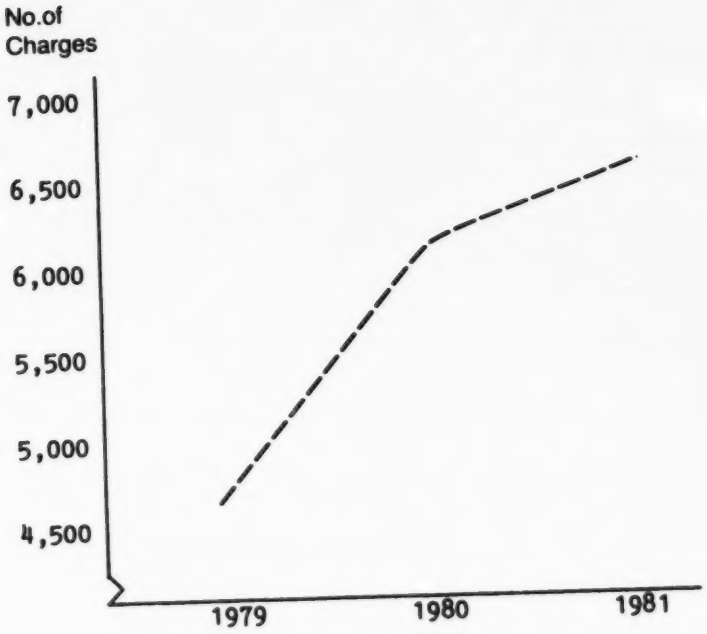
To summarize, the percentage of total firearms convictions resulting in jail terms increased in 1980 and 1981 as compared to 1979. The mandatory s.83 jail term was implemented in most cases and the rate of implementation increased over the three years 1979 to 1981.

c. Has There Been Any Change In The Jail Terms Imposed For Firearms Offences?

In order to acquire a more detailed picture of the sentencing practices, the jail terms imposed for convictions for firearms offences were examined. The percentage of total firearms convictions resulting in jail, both nationally and in the aggregate of the three city jurisdictions, rose between 1979 and 1980. A similar pattern was found for the average length of jail terms for all firearms charges nationally. The detailed numbers and percentages are found in Tables A1.15 (national data) and A1.16 (case jurisdictions).

Figure IV.4

NUMBER OF FIREARMS CHARGES
NATIONAL 1979 — 1981



Source: F.P.S.

The jail terms imposed for all firearms offence convictions combined were examined first. Section 83 convictions were excluded from this analysis because of the distorting effect of the minimum one year jail term which should accompany a s.83 conviction. Of the remaining convictions, nationally, the mean jail term in 1979 was 5.4 months. This rose to 6.8 months in 1980, and to 7.1 months in 1981. The pattern of increasing jail terms from 1979 to 1981 also can be seen by examining for each year the percentages of those receiving jail terms who were sentenced to one year or more; 15.5 in 1979, 19.1 in 1980, and 21.9 in 1981. The data in the city jurisdictions were too small to permit any general conclusions.

An examination of selected firearms offences also was conducted. The first offence examined was s.83, *use of a firearm in an indictable offence*, which carries a minimum one year jail term. As previously noted, there was a slight increase in the percentage of s.83 convictions resulting in jail terms. The percentage of these convictions incurring jail terms of one year or more also showed a modest increase over the period; 88.9 percent in 1979, 90.9 percent in 1980 and 93.2 percent in 1981. No consistent trends were observed in the average jail terms, which were 14.6 months in 1979, 13.6 months in 1980 and 13.9 in 1981. It is apparent however that if a s.83 conviction occurred, by and large the minimum jail term was enforced, and the small percentage of incidents where it was not enforced is declining.

The average jail sentence for pointing a firearm was five and one half months; for careless use, approximately five months; for possession of a weapon for a purpose dangerous to the public peace, between eight and nine months; for possession of a prohibited weapon, about seven months; and for possession of a restricted weapon, about seven months.

The average jail terms for convictions for both possession of a prohibited weapon and for possession of a restricted weapon increased noticeably over time. For the prohibited weapon offence it increased from 4.8 months in 1979 to 7.9 months in 1981; for possession of a restricted weapon the average term increased from 5.7 months in 1979 to 8.8 months in 1981.

The significance of this trend toward longer terms was tested by examining the percentage of sentences that were one year or greater in length. In both cases increases were observed. In the case of prohibited weapons, these percentages were 14.0 in 1979, 17.3 in 1980 and 23.1 in 1981. For restricted weapons, the corresponding percentages were 16.9, 23.0 and 29.5.

In conclusion, the courts have responded to the emphasis on more severe sentences by imposing longer jail terms upon convictions for firearms offences.

d. *Has There Been Any Change In Consecutive Jail Terms?*

Another indication of sentencing severity is whether multiple jail terms are concurrent or consecutive. The latter is the more severe sentence because terms are served one after the other, rather than simultaneously. The use of consecutive jail sentences is also of interest because it is mandatory that jail terms imposed pursuant to s.83 be consecutive to any accompanying jail terms.

Looking first at *s.83 convictions*, in those F.P.S. records showing at least one other current conviction with a jail term imposed, there was an increase in the percentage of cases in which consecutive jail terms were imposed: from about 82 percent in 1979 to approximately 87 percent in 1980 and 1981. Even given the mandatory nature of the s.83 jail term, 13 percent of s.83 jail terms accompanied by multiple jail sentences were *not* consecutive.

Of the remaining firearms charges, the percentage of multiple and consecutive jail terms was 14.5 percent in 1979 (representing 58 convictions), 14.8 percent in 1980 (87 convictions), and 17.1 percent in 1981 (105 convictions).

These increases showed the same pattern as terms for for prohibited and restricted weapons: an increase over the period, with the greater increase coming between 1980 and 1981. This suggests that there was a delay in the implementation of some of the sentencing provisions.

e. *Are s.83 Charges Laid When Appropriate?*

A robbery committed with a firearm is an indictable offence and accordingly should be accompanied by a s.83 charge (use of a firearm in an indictable offence). To ascertain the frequency of these charges, the relationship between the s.83 and robbery charges appearing in the data bases was analysed. These findings are displayed in Table IV.1.

The percentage of joint robbery and s.83 charges from the F.P.S. data base was very high—about 90 percent over the three years. There may be some inherent bias in the data base because to ascertain whether robberies were committed with a firearm, the F.P.S. data base was screened to include only robberies with an accompanying firearm charge of some sort (see Note 9). Accordingly, the occurrence report data from Vancouver, Ottawa and Quebec City probably provide a more accurate picture of the percentage of firearm robberies having joint s.83 charges, i.e., all occurrences of robberies with a firearm were noted, regardless of charges laid.

With the exception of Ottawa in 1981, less than 50 percent of the firearm robbery charges had an accompanying s.83 charge. This may have been because the prosecution was unable to prove a firearm was used, for example, no weapon was found or the instrument used did not fit the definition of a firearm. However, this latter example was one the study attempted to allow for, at least partly. In the analyses for Vancouver, Ottawa and Quebec City presented in Table IV.1, robberies committed with simulated weapons, air pistols or unknown types of firearms were excluded. In any event, two Ontario Court of Appeal decisions have held that an inoperable pellet gun is a firearm within the meaning of s.83; *R. v. Belair* (1981), 61 C.C.C. (2d) 461 and followed in *R. v. Bell et al.* (1982), 8 W.C.B. 95.

Notwithstanding the low incidence of joint s.83 and robbery charges, in each of the city jurisdictions the rate was higher in 1981 than in 1979. This was particularly so in Ottawa, which had a consistent increase from 30.4 percent in 1979 to 40.0 percent in 1980 and 51.5 percent in 1981. This trend can be seen more clearly if the data from the three cities are aggregated. The aggregate percentage of robbery charges accompanied by s.83 charges was 30.6 in 1979, 39.6 in 1980, and 47.1 in 1981. These increases may be due to the police, Crown Attorneys and judges becoming more familiar with the legislation over time.

Another facet of the s.83 charge and its use in appropriate circumstances related to the challenges to this section on the grounds that it was an abuse of judicial process. That is, the offence contravened an established principle of law that prevents multiple convictions for offences having identical essential elements (offences which arise out of the same occurrence). This issue has now been settled by the Supreme Court of Canada, which has held that in enacting s.83, Parliament expressly departed from this principle and that use of a firearm in the commission of an offence constitutes a separate offence under which separate and additional punishment can be imposed; *McGuigan v. The Queen* (1982), 66 C.C.C. (2d) 97.

Table IV.1

PERCENTAGE OF FIREARM ROBBERIES ACCOMPANIED BY s.83 CHARGES NATIONAL AND THREE CASE JURISDICTIONS 1979 — 1981

	1979		1980		1981	
	No. of Charges	Percent with s.83	No. of Charges	Percent with s.83	No. of Charges	Percent with s.83
National	423	86.3	603	92.4	683	91.5
Vancouver	16	18.8	33	48.5	39	41.0
Ottawa	56	30.4	35	40.0	66	51.5
Quebec City	26	38.5	33	30.3	31	45.2

*Firearm robberies in the three cities have been screened to include only robberies with handgun, rifle, shotgun, machine-gun or sub-machine gun.

Only one robbery charge with or without a s.83 charge analysed per record.

Sources: F.P.S. and Police Occurrence Reports

f. *Does The S.83 Minimum Jail Term Have An Impact On Robbery Jail Terms?*

The minimum one year jail term contained in s.83 may have been viewed by some members of the judiciary as an infringement of judicial discretion. In *R. v. Saint Amand* (1982), 7 W.C.B. 447, the trial judge stated that it was his policy to subtract the one year jail term from the jail term which he would have imposed on the robbery conviction if there had been no s.83 conviction. This policy was firmly rejected by the Ontario Court of Appeal as negating the purpose of the section.

In order to assess whether other judges have followed this policy without expressly stating so, the sentences imposed on convictions for robbery with a firearm accompanied and not accompanied by s.83 charges were examined. If judges compensated, less severe sentences would be expected for robberies with an accompanying s.83 charge than for those without. The analysis of the F.P.S. data base showed little support for this prediction. The percentage of robbery convictions with s.83 charges that resulted in jail terms was consistently higher than for robbery convictions without s.83 charges (see Table A3.17). However, there were no consistent differences between the two groups in the average length of jail terms for those who were sentenced to jail. As shown in Figure IV.5, the average jail term for those sentenced to jail was greater if there was an accompanying s.83 charge in 1979; it was less in 1980; and it was essentially identical in 1981. Therefore, while the average jail term for robbery convictions was greater in 1980 when there was no accompanying s.83 charge, the fact that a greater proportion were sentenced to jail if there was a s.83 during each year indicates that there was no systematic reduction in robbery sentences when accompanied by s.83 charges.

g. *Are Robberies With Firearms Incurring Stricter Penalties Following The Legislation?*

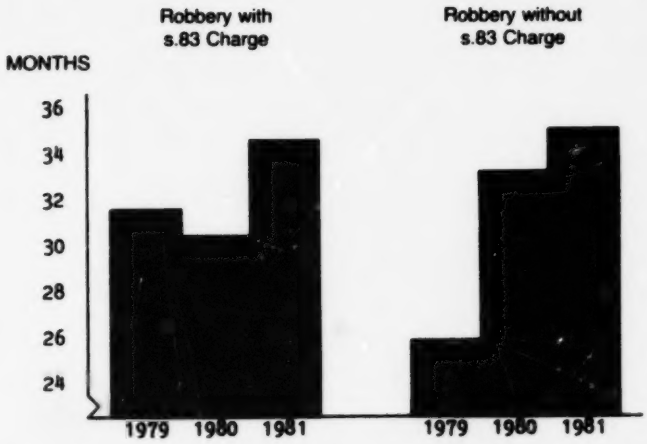
The national data presented in Figure IV.5 indicated that there was an increase from 1979 to 1981 in the average length of jail terms imposed upon conviction for robberies with firearms. In order to assess more fully whether more severe sentences for firearm robberies occurred coincident with the introduction of the new sentencing provisions in 1978, the dispositions of all robbery charges with offensive weapons in Vancouver were examined for the years 1976 to 1981.

Figure IV.6 presents a summary of the sentences imposed for robbery convictions involving firearms and for other offensive weapons before (1976-77) and after (1978-81) the legislation (also see Table A3.18). For firearm robbery convictions, there was a decrease in sentences of 2 to 5 years and an increase in sentences of five years or more after the legislation. The opposite pattern of findings occurred for robberies with other offensive weapons: there was an increase in the proportion of sentences of 2 to 5 years and a decrease in sentences of five years or more. For both groups, little change occurred with respect to the percentage sentenced to less than two years.

The Vancouver data indicate that persons convicted of robbery with firearms were given longer jail terms after the legislation than before. They also indicate that these longer sentences were not part of a trend to stricter sentences for all robberies, because sentences of five years or more decreased for robberies with other offensive weapons after the legislation. During both time periods, the findings also show that robberies with firearms were more likely to result in longer jail sentences than those committed with other offensive weapons.

Figure IV.5

COMPARISON OF AVERAGE JAIL TERM IMPOSED ON FIREARM ROBBERY CONVICTIONS ACCOMPANIED BY s.83 CHARGE AND NOT ACCOMPANIED BY s.83 CHARGE NATIONAL 1979 — 1981

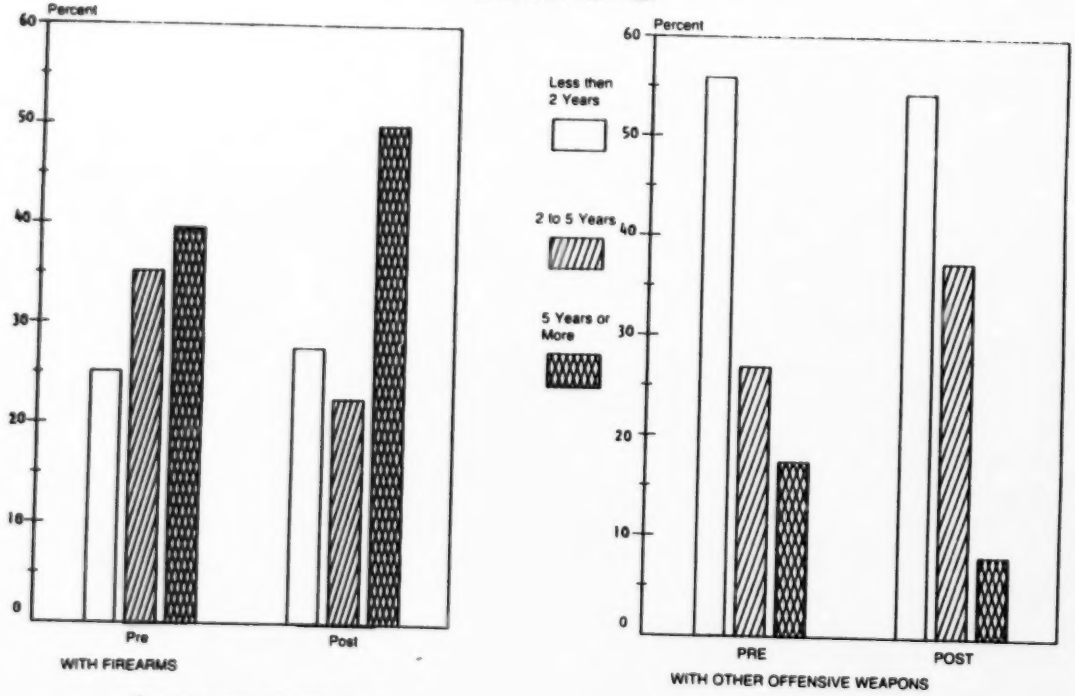


Average excludes jail terms of less than one month

Source: F.P.S.

Figure IV.6

PERCENTAGE DISTRIBUTION OF SENTENCES FOR ROBBERY
VANCOUVER 1976 — 1981



Source: Vancouver Police Department

h. Do Previous Criminal Records Have An Impact On The Dispositions And Sentences Incurred For Firearm Offences?

The disposition of firearm charges contained in the national F.P.S. data base was examined to determine if the presence of previous criminal records (see Note 8) was associated with the dispositions of the current firearm offences. Figure IV. 7 shows that persons with previous criminal records were more likely to be sentenced to jail for firearm offences than persons with no previous records (see Table A3.19).

In 1978, 37.7 percent of current firearms charges laid against suspects with previous criminal records resulted in convictions with jail dispositions. By 1981, the percentage had increased to 41.1 percent. The analogous percentages for suspects with no previous records ranged from 18.6 in 1978 to 23.5 by 1981. When only suspects who were convicted were aggregated over the four-year period, the differences between the two groups emerged even more clearly. For those with previous criminal records, 62.1 percent received a jail term on the current firearm convictions, while only 34.5 percent of those without previous records did so.

It is clear then, that suspects with previous criminal records were more likely to have been sentenced to jail on current firearms-related convictions.

Whether the kind of previous records had an impact on current dispositions was also examined. It was expected that a suspect with a record of violent or firearm offences would be more likely to incur a jail term. In both cases, this expectation was borne out. The numbers and percentages of the national data are found in Tables A3.20 and A3.21. These findings are illustrated in Figure IV. 8.

From 1979 to 1981, a consistent rate of about 60 percent of suspects with previous violent offence records received jail sentences on the current firearm convictions. The percentage of such suspects with previous firearms offence records who incurred current jail terms was slightly higher, about 65 percent.

To further assess the impact of a previous criminal record, the length of jail terms imposed was compared. Table IV. 2 compares the average jail term of accused with and without records involving previous firearms offences and/or previous violent offences.

Over the four-year period, the mean jail sentence for those with previous firearms offence records was 11.1 months, compared to 7.9 months for those with no such previous records. For those with previous records involving violent offences, the mean jail sentence was 10.0 months, compared to 7.9 months for those without violent offence records. In both categories there was a slight increase in the average jail term over the four-year period.

The percentage of repeat firearms offence offenders receiving sentences of one year or more on the current firearms offences is shown in Figure IV. 9. This percentage increased from 28.2 percent in 1978 to 29.9 in 1979, to 30.5 percent in 1980, and sharply increased in 1981 to 35.4 percent.

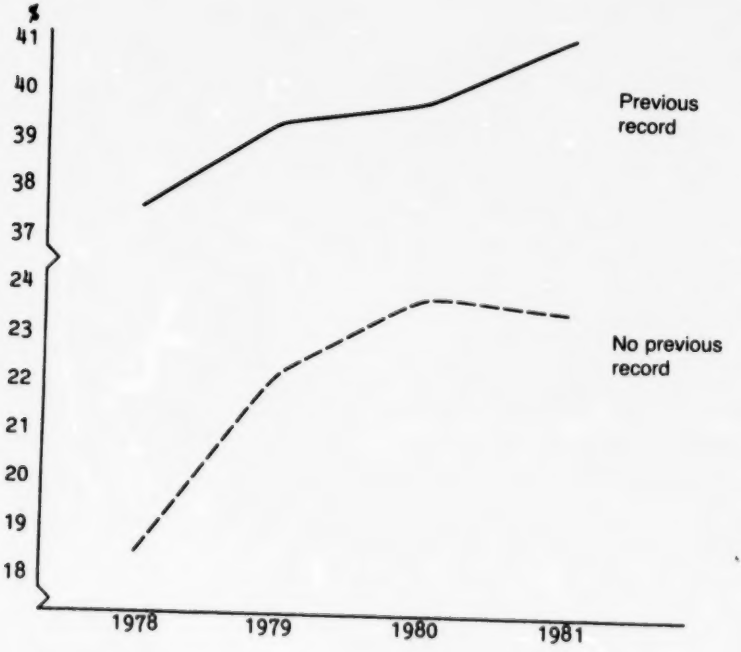
To conclude, persons with criminal records convicted of current firearms offences are more likely to go to jail than those with no previous records. If those records were for violent or firearms offences, the length of jail terms will be longer. These findings indicate that courts are dealing with repeat firearm offenders with greater severity.

2. Effect

The intent of the sentencing provisions of Bill C-51 was to reduce firearms crimes by deterring both previous and potential firearm offenders. If the sentencing provisions

Figure IV.7

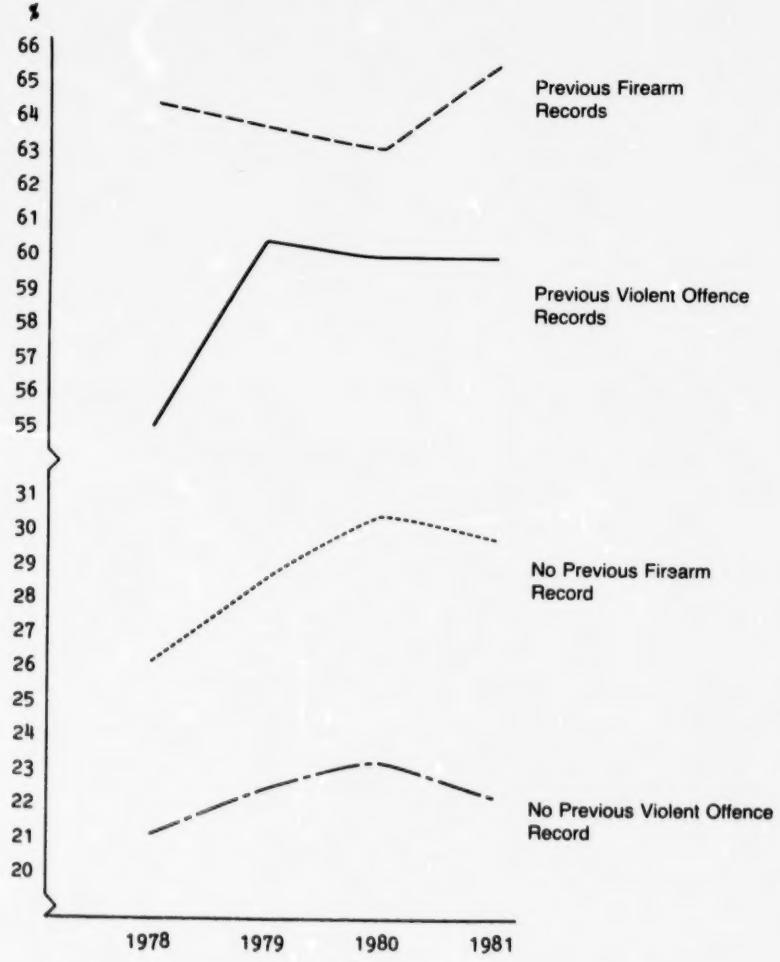
PERCENTAGE DISTRIBUTION OF CURRENT FIREARMS CHARGES RESULTING IN CONVICTION AND JAIL ACCORDING TO WHETHER ACCUSED HAD PREVIOUS CRIMINAL RECORD NATIONAL 1978 — 1981



Source: F.P.S.

Figure IV.8

PERCENTAGE DISTRIBUTION OF CURRENT FIREARM CONVICTIONS RESULTING IN JAIL ACCORDING TO WHETHER ACCUSED HAD PREVIOUS FIREARMS OR PREVIOUS VIOLENT* OFFENCE RECORDS NATIONAL 1978 — 1981



*Violent offence includes offences against persons and property, e.g., robbery, extortion, rape, break and enter

Source: F.P.S.

Table IV.2

COMPARISON OF AVERAGE JAIL TERM IMPOSED ON CURRENT FIREARM CONVICTION OR ACCUSED WITH AND WITHOUT PREVIOUS FIREARM AND/OR VIOLENT* OFFENCE RECORDS NATIONAL 1978 – 1981

	AVERAGE JAIL TERM IN MONTHS			
	Previous Firearm Record	No Previous Firearm Record	Previous Violent Record	No Previous Violent Record
1978	10.3	7.3	9.2	7.0
1979	10.8	7.6	9.9	6.8
1980	11.0	8.4	10.2	7.9
1981	12.3	8.4	10.7	9.9

**Violent* offence includes offences against persons and property, e.g., robbery, extortion, rape, break and enter

1978 data available only from July 1978

Source: F.P.S.

had an effect, a decline in firearms crimes generally would be expected and specifically, a decline in repeat firearm offenders.

As discussed previously, a direct cause and effect relationship among sentencing provisions, declines in firearm crime rates, and the number of previous offenders, cannot be drawn. Other factors such as the screening provisions may have contributed to such declines. In relation to the assessment of the number and percentage of previous offenders, it is not known when the previous offence was committed (before or after Bill C-51). Furthermore, a considerable time lag before deterrent measures have a full impact is expected. That is, it will take several years for the example of persons convicted under the new provisions to influence repeat and potential novice offenders. Thus it still may be premature to assess such an effect.

An assessment of whether crimes with firearms have been declining was described in Chapter II. Overall, the use of firearms in violent crimes declined subsequent to the legislation. Inferences cannot be made as to the extent to which the sentencing provisions contributed to such declines.

With respect to suspects with previous criminal records, it was hypothesized that if the sentencing provisons had a deterrent effect, it would more likely be felt by offenders with less serious records. It was concluded in Chapter II that there was an increase between 1978 and 1981 in suspects who had more serious criminal records. Percentage increases in suspects who had five or more prior criminal charges and in suspects who had at least one prior conviction for a violent offence were seen. These indices indicate that the population of firearm offenders increasingly is made up of serious criminal offenders. The hypothesis that the sentencing provisions would deter less serious offenders appears to be confirmed.

C. PROHIBITION

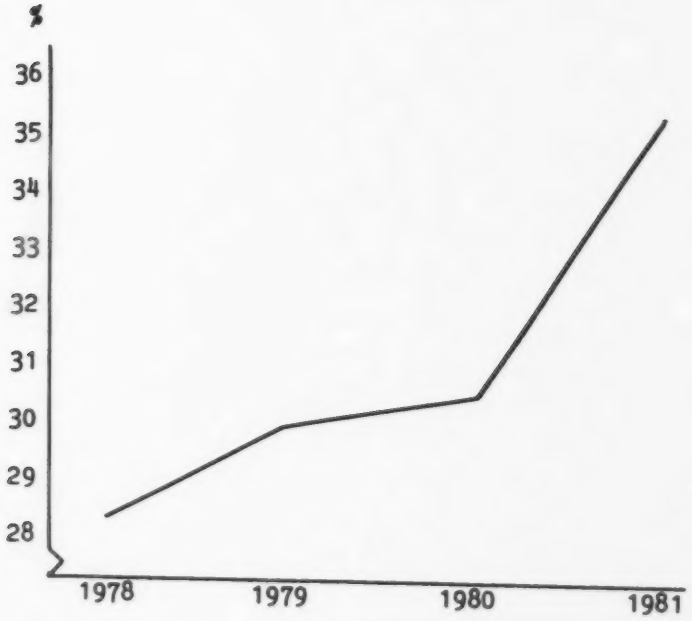
One of the interesting aspects of Bill C-51 was the emphasis on the concept of firearm prohibition orders; court orders preventing an individual from owning, possessing or having control of a firearm, ammunition or explosive substance for a specified number of years.

There are six prohibition categories:

- *Mandatory Prohibition* s.98(1) – this *shall* be ordered upon conviction of certain criminal offences;[22]
- *Discretionary Prohibition* s.98(2) – this *may* be imposed at the discretion of the judge upon conviction of criminal offences not incurring a mandatory prohibition;[23]
- *Prohibition Contained in Probation Order* s.663(2)(b) – this can be included as a term of probation order;
- *Pre-emptive Prohibition* s.98(6) – this order may be made by the magistrate on the application of a peace officer if "there are reasonable grounds to believe that it is not desirable in the interests of the safety of the person against whom the order of prohibition is sought or of any other person". The order can be for a term not exceeding five years;[24]
- *Prohibition Pursuant to FAC Reference* s.98(7) – if FAC refusal is confirmed on a FAC reference, i.e., appeal, the magistrate also *shall* prohibit the applicant from possessing any firearm, ammunition or explosive for a period of up to five years;
- *Prohibition Pursuant to Search and Seizure Hearing* s.101(6) – this order may be made by the magistrate at the conclusion of a firearms s.101 search and seizure hearing, held in relation to an application for forfeiture of the firearms seized.

Figure IV.9

PERCENTAGE OF ACCUSED CONVICTED OF CURRENT FIREARMS OFFENCE AND HAVING PREVIOUS CRIMINAL RECORDS WHO INCUR JAIL TERM OF ONE YEAR OR MORE NATIONAL 1978 — 1981



Source: F.P.S.

The first three categories arise subsequent to a conviction for a criminal offence and are referred to in this report as *conviction prohibitions*. The latter three can occur in non- criminal situations and are referred to as *non-conviction prohibitions*. The mandatory s.98(1) prohibition, the pre-emptive s.98(6) prohibition, and the prohibition pursuant to a FAC reference all were introduced by Bill C-51.

The analyses of the use of conviction prohibitions use quantitative data from the F.P.S. data base and the occurrence reports from Vancouver, Ottawa and Quebec City. The data sources for assessing the implementation of non-conviction prohibitions are more varied. Reliance is placed mainly on quantitative data from the Firearms Sections of the Toronto, Ottawa, Calgary and Vancouver Police Departments, the Office of the Vancouver Crown Attorney, and the Commissioner's annual reports to the Solicitor General from 1979 to 1981.[25]

1. Implementation Of Conviction Prohibitions

Section 98(1) of the Criminal Code includes the provision that a prohibition order shall be issued if a conviction for the offence of use of a firearm in an indictable offence (s.83) occurs. To assess the implementation of mandatory prohibitions, the extent to which s.83 convictions result in a prohibition is noted. The degree to which firearms charge convictions other than s.83 offences result in discretionary prohibitions is then examined.

a. Are Mandatory s.98(1) Prohibition Orders Enforced?

The short answer to this question is no. A s.83 conviction (use of a firearm in an indictable offence) should always be accompanied by a prohibition order. Therefore, the percentage of s.83 convictions which also resulted in a prohibition order was examined and from this the use of s.98(1) prohibitions generally was extrapolated.

Nationally, there was an increase in the percentage of s.83 convictions which incurred a prohibition order, but the percentages were very low; 11.3 in 1979, 13.2 in 1980 and 17.3 in 1981. In each year, more than 80 percent of s.83 convictions did *not* incur the mandatory prohibition order. (The complete numbers and percentages are found in Table A3.22).

Some variation was seen from province to province. The greatest increase in the use of the mandatory prohibitions occurred in Ontario, where s.83 convictions accompanied by a prohibition order increased from 10.2 percent in 1979 to 25.5 percent in 1981. The Prairie provinces showed an increase from 12.1 percent in 1979 to 20.0 percent in 1981. Quebec, which had the highest absolute number of s.83 convictions, remained below the national average in the enforcement of the mandatory prohibition in all three years, but there was a slight increase over the years: 9.3 percent in 1979, 11.8 percent in 1980 and 13.7 percent in 1981.

In summary, notwithstanding modest improvements, it is clear that enforcement of mandatory prohibition orders is very poor.

b. Has There Been Any Change In The Use Of Discretionary Prohibition Orders?

The use of discretionary prohibition orders was examined by observing the percentage of other firearm or weapon offence convictions which were accompanied by prohibitions (see Table A3.23). Discretionary prohibitions in this context refer to both s.98(2) and s.663(2)(b) orders.

No real difference nationally was observed in the use of mandatory and discretionary prohibitions. As noted in the previous section, mandatory prohibitions were used in 11 to 17 percent of appropriate cases over the years 1979 to 1981. Nationally, the percentage of other types of firearms convictions resulting in a

prohibition was about 16 percent over the years 1978, 1979 and 1981. A slightly higher rate of 18.5 percent was noted in 1980.

Provincially, the Atlantic provinces showed the greatest use of discretionary prohibitions, a prohibition order being issued in about one-third of non-s.83 firearm convictions. The use of discretionary prohibitions was lowest in Ontario and Quebec; an average of about 14.5 percent in Quebec and 13.2 percent in Ontario. These figures are below the national average of 16.4 percent.

Locally, Vancouver and Ottawa showed a much higher percentage use of discretionary prohibitions (see Table A3.24). In Vancouver an average of 43.5 percent of firearms convictions resulted in a prohibition. The figure for Ottawa was 28.4 percent. Vancouver had a marked increase in the percentage use of discretionary prohibitions; from 29.5 in 1979 to 62.7 in 1981, although the absolute numbers were quite small.

The percentage of prohibition orders issued upon conviction for selected offences nationally was examined. These findings are illustrated in Figure IV. 10 (based on data contained in Tables A3.22, A3.23, and A3.25).

Pointing a firearm was the offence most likely to result in a prohibition order. An average of 30.7 percent of such convictions resulted in a prohibition over the years 1979 to 1981. This was followed closely by *careless use* convictions with an average of 29.3 percent. The percentage use of prohibitions for the remaining firearms offences was 16 percent or less.

It is more difficult to assess the relatively infrequent use of discretionary prohibitions than it is with mandatory prohibitions, because many convictions may not warrant prohibitions. The perception of prohibitions as a punishment rather than a preventive measure may also be a factor. Finally, a procedural factor which may be relevant should be noted. In the case of *R. v. MacCallum* (1982), 7 W.C.B. 337 (N.B.Q.B.), it was held that a prohibition order which failed to specify a time period for the accused to dispose of previously lawfully acquired firearms was invalid and unenforceable.

In summary, offences involving actual misuse of firearms, such as pointing and careless use, resulted in prohibition more often than more "passive" offences, e.g., possession of restricted firearms without a certificate. For all offences, however, the use of prohibition orders appears to have been somewhat restrained.

To conclude, the enforcement of the mandatory prohibition upon a s.83 conviction is very poor. It may be that many Crown Attorneys and judges are unaware of the mandatory provisions of s.98(1). This may be due to the drafting of the legislation, in that s.83 does not cross reference the mandatory prohibition. Alternatively, the reason for the low percentage use of conviction prohibitions may be that because the accused is incurring a criminal sentence which may include a jail term, the courts believe that prohibition orders are redundant. That is, an offence already has been committed, the individual is receiving punishment, and a prohibition order may not be seen as necessary.

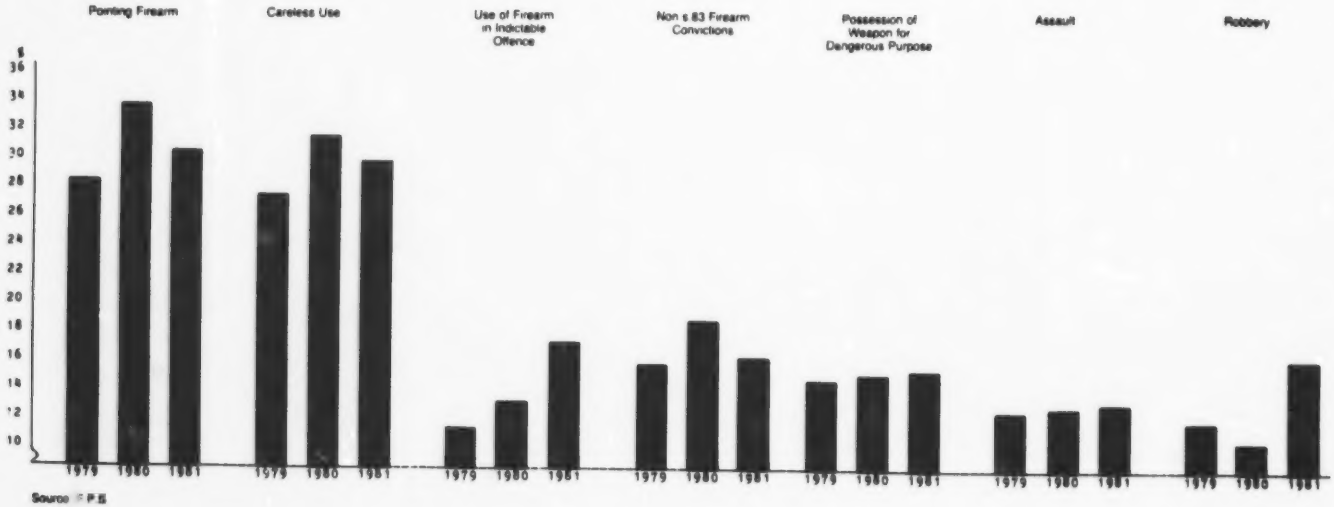
2. Implementation Of Non-Conviction Prohibitions

a. To What Extent Are Pre-emptive Prohibition Orders Used?

Pre-emptive prohibitions found in s.98(6) were introduced by Bill C-51. The section is used most often in situations involving recurring domestic or neighbourhood confrontations or unsafe storage habits. Discussions with Crown Attorneys, firearms officers and liaising police officers indicated that there was general agreement that the provision can be useful.

Figure IV.10

PERCENTAGE OF SELECTED CONVICTIONS INCURRING PROHIBITION NATIONAL 1979 — 1981



Source: C.P.S.

However, there are some indications that, where possible, it is preferred to use the s.101(6) search and seizure procedure when making an application for a prohibition order. There appear to be two main reasons. First, there is a perception that judges feel more at ease ordering prohibitions pursuant to a search and seizure than to a unilateral application to prohibit possession of firearms. Second, procedurally s.98(6) does not make any provision for the disposal of firearms already in the individual's possession whereas such provision is found in s.101(6).

The *Criminal Code* makes no explicit provision for the procedures governing the conduct of the hearings. Case law is still limited, though in *R. v. Linder* (1980-81), 5 W.C.B. 86 (Ont. Prov. Ct.), it was held that the ordinary rules of evidence still applied and hearsay evidence could not be used.

Data on the use of s.98(6) and other non-conviction prohibitions were obtained in Toronto, Ottawa, Calgary and Vancouver (see Table A3.26). The number of such prohibitions recorded was quite small. There would therefore appear to be some reluctance to use the pre-emptive orders if the search and seizure provision can be used. However, s.98(6) would appear to be useful in circumstances where the search and seizure procedure has no application, e.g., where the person is not currently in possession of a firearm.

b. *Are Mandatory Prohibitions Pursuant To A FAC Reference Enforced?*

A FAC reference essentially is an appeal from a firearms officer's decision not to issue a FAC. As was noted in the section on screening, the number of FAC references was very small, as was the absolute number of s.98(7) prohibitions (see Table A3.26).

When FAC references occur, the implementation of the mandatory terms of s.98(7), that is, the imposition of a prohibition when a FAC refusal is confirmed, appears to be quite high. This probably is because the firearms officer or registrar was present at the reference and was able to point out the mandatory provisions of the section to the Crown Attorney. Alternatively, in many jurisdictions one Crown Attorney is responsible for all firearm-related hearings and therefore is familiar with the legislation.

In Toronto, Calgary and Vancouver, all of the 10 FAC refusals which resulted in a reference and were confirmed, also resulted in a prohibition order. Of the three FAC references recorded in Ottawa over the years 1979 to 1981, two had had hearings as of the date of the preparation of this report, both had been confirmed and one had resulted in a prohibition order. Nationally, the number of FAC refusals confirmed from 1979 to 1981 closely corresponded to the number of s.98(7) prohibitions.

In summary, the implementation of mandatory prohibition orders pursuant to a FAC reference is very good.

c. *To What Extent Are Prohibition Orders Used Subsequent To Searches And Seizures?*

A search and seizure hearing pursuant to s.101 is held if an application is made for the forfeiture of any firearms seized by the police under the section. If the order for forfeiture is made, the magistrate also may order a prohibition.

Although the absolute number of such prohibitions is very small, prohibitions issued after a firearms search and seizure hearing are the most commonly used of the three non-conviction orders. Toronto recorded the highest number of s.101(6) prohibitions; a total of 93 over the three years 1979 to 1981. In Toronto and Vancouver in the years for which data were available, 100 percent of orders for

firearms forfeiture following a search and seizure hearing also resulted in a prohibition order. In Calgary, 12 of 14 forfeiture orders in 1979 and the first half of 1980 were accompanied by prohibitions.

It is apparent that if the circumstances warrant an order for forfeiture of firearms, then for most magistrates, the circumstances also justify a prohibition order.

3. Effect Of Prohibitions

Probably the only means of directly assessing the effect of prohibition orders would be to observe to what extent individuals subject to a prohibition order subsequently were involved in an incident with a firearm.

There are no meaningful data available in this area. Some indication was provided by the number of charges of breach of a prohibition order. A total of 112 breach of prohibition order charges in the three years 1979 to 1981 were found nationally; 20 in 1979, 36 in 1980 and 56 in 1981. These numbers were too small to enable any conclusions to be drawn regarding the effect of prohibition orders.

D. SEARCH AND SEIZURE

The *Criminal Code* contains four categories of search and seizure relating exclusively to firearms and other offensive weapons. These are:

- Search and seizure *without a warrant* when a police officer believes on reasonable grounds that an offence in relation to a prohibited or restricted weapon, firearm or ammunition is or has been committed (s.99).
- Seizure *without a warrant* of a restricted weapon if the possessor is unable to immediately produce a registration certificate; of a firearm if the possessor is under 16 and does not immediately produce a permit; or of any prohibited weapon (s.100).
- Search and seizure *with a warrant* when there are reasonable grounds to believe "that it is not desirable in the interests of the safety of that person, or any other person" that the individual should have possession of any firearm, offensive weapon, ammunition, or explosive substance, s.101(1).
- Search and seizure *without a warrant* on the same grounds as s.101(1), when there are also reasonable grounds for believing "that the danger to the safety of that person or other persons is such that to proceed by way of an application under ss.(1) would be impracticable", s.101(2). This provision was introduced by Bill C-51.

Sections 99 and 100, authorizing search and seizure without a warrant, relate to cases of actual breaches of Criminal Code provisions. On the other hand, s.101(2) authorizes search and seizure without a warrant in circumstances of perceived danger where no criminal offence has yet occurred. As a safeguard, there is a requirement that following any search pursuant to s.101, with or without a warrant, the Attorney General immediately shall make a return to a magistrate showing the grounds upon which the search was conducted. This procedure, in theory, should allow the courts to monitor the circumstances of such searches.

Comprehensive data on firearm searches and seizures were not available. Most police departments do not keep centralized records of firearms searches and seizures, particularly if no firearms are seized. What data were available related to actual applications for forfeiture of firearms seized subsequent to a search. Some limited data on forfeiture applications were collected from the police departments in Toronto and Calgary and from the Vancouver Crown Attorney's office. The conclusions in this section are based partly on these data and partly on information acquired in discussions with police officers regarding the use of s.101(2).

1. Implementation

a. Under What Circumstances And How Often Are s.101 Searches And/Or Seizures Made?

The intent of s. 101 is to allow police officers to intervene in situations of perceived danger such as potential suicides, domestic confrontations, neighbourhood disputes, etc. In discussions with police officers, the general position has been that the use of the section is restricted to such circumstances. No data were available on the frequency of firearms searches and seizures either with or without a warrant. Therefore, no statements can be made about the actual circumstances of s.101 searches and seizures, particularly those conducted without a warrant.

A comment should be made here on the case of *R. v. Colet* (1981), 57 C.C.C. (2d) 105. Prior to Bill C-51, the predecessor to s.101(1) only permitted seizure. The *Colet* case turned on whether the previous section also authorized a search. Although the section has now been amended to provide expressly for both search and seizure, the case is of interest because it provides an indication of the attitude of the courts to searches and seizures in the circumstances provided by s.101, i.e., when no criminal offence necessarily has been committed. The British Columbia Court of Appeal held that the section permitted search as well as seizure. The Court held that the legislation was in the public interest and this interest was paramount to the rights of the individual. The Supreme Court of Canada reversed the Court of Appeal decision, *Colet v. The Queen*, (1981), 1 S.C.C. 2. The Supreme Court held that any statutory provision which encroached on the common law rights of property owners would be strictly interpreted in favour of the property owner. Since the previous section did not provide explicity for search, this right could not be inferred.

Notwithstanding the amendments to s.101 contained in Bill C-51, this case is probably an indication of the strictness with which courts may interpret "in the interests of safety".

b. To What Extent Is The "Return" Procedure Used?

Pursuant to the provisions of s.101(3), a return to the magistrate should occur subsequent to all s.101 searches, with or without a warrant and whether or not a seizure was made. The requirement for a return is not new but given the new provision in s.101(2) for searches without a warrant, the procedure has greater import as a device designed to prevent abuse.

The police departments interviewed indicated that returns were made only if a seizure had occurred and a request for forfeiture was intended. If returns were made only where the evidence was sufficient to support a forfeiture application, any protection afforded by the return procedure was redundant.

Non-compliance with the return procedures appears to be widespread. In some cases the police or Crown Attorneys are unaware of the requirement for a return. In other cases, the requirement is interpreted to apply only to searches without a warrant if an article is seized and an application for forfeiture is to be made.

Part of the reason for the non-compliance with the return procedure may be due to lack of procedural guidelines concerning how the return is to be made. The section provides that the return be made by the Attorney General, not the police officer, but further elaboration is not given. In addition, there apears to be confusion on the part of some police officers and Crown Attorneys between the return procedure and the procedure for an actual application for firearm forfeiture as set out in s.101(4).

To conclude, if the return procedure is meant to be followed in *all* instances of a s.101 search for a firearm, regardless of whether a weapon is seized or not, then compliance with this procedure appears to be poor.

c. *To What Extent Are Search And Seizure Hearings Used?*

If weapons are seized and forfeiture desired, an application to a magistrate for disposition must be made within 30 days of the seizure. The magistrate will then set a date for hearing the application.

In Toronto, there were 35 such hearings in 1979, of which 31 resulted in forfeiture. In 1980 there were 33 hearings, with 26 orders for forfeiture, and in 1981 there were 19 hearings with 16 forfeiture orders. In Vancouver, from December 1, 1979 to the end of December, 1980, there were 20 hearings and 16 forfeitures granted. In 1981, there were 11 hearings and seven forfeiture orders. Data were available from Calgary only up to mid-1980. There were six forfeiture applications in 1979, all of which were confirmed, and ten hearings between January and June, 1980, of which eight were confirmed. The number of hearings may not reflect the original number of applications. In some instances applications were initiated but not completed.

As with the return procedure, the procedural rules of conduct of these hearings are sketchy. Two early cases set out some basic rules of conduct for the hearings, including the fact that hearsay evidence was admissible.[26] However, these were decisions of lower courts which are not necessarily binding on other courts. It appears that magistrates differ about whether hearsay evidence is admissible. Other issues which have arisen concern the fact that no provision is made for the hearings to be held *ex parte*, i.e., without the presence of the respondent, or for enforcement of the notice of hearing. Thus if the respondent does not appear at the hearing it is unclear whether the hearing can be held.

Notwithstanding the procedural difficulties, in the larger centres, lines of communication have evolved between police officers and Crown Attorneys and the application procedure runs with some smoothness. Furthermore, given the high percentage rate of forfeiture applications granted, and the concurrent prohibition orders issued (as discussed in the previous section) the concept of prevention behind such hearings appears to be well recognized by the courts.

2. Effect

The only practical measure of the effect of the search and seizure procedures is whether domestic or neighbourhood incidents with firearms have declined. It was observed in Chapter II that firearms incidents in domiciles declined between 1979 and 1980 but only in Ottawa and Quebec City did the decline continue in 1981. It is difficult to assess these findings in relation to the search and seizure procedures.

E. SAFE HANDLING AND STORAGE

Bill C-51 introduced a variety of measures designed to promote responsible and safe handling of firearms. These measures apply over a broad spectrum of individuals and institutions. Firearms businesses are controlled through screening for business permits and through regulations passed by the Governor in Council concerning a wide range of business activities related to the firearms.[27] Individual firearms owners also are subject to a variety of controls, one of the most important being that "careless use" of a firearm is a criminal offence.[28] Previously the level of misuse required to constitute a criminal offence was "dangerous" use; terminology encompassing a much narrower range of conduct.

Bill C-51 provided for two further means of encouraging safe handling and storage of weapons, both of which require a level of co-operation with provincial authorities. Section 105 provides that upon the application of a provincial Attorney General, a hunting licence or certificate, etc., issued by the province could constitute an alternative to a FAC. The section has been proclaimed but at the time of the preparation of this report has not been invoked by any province.

Section 104(2)(c) provides that a further requisite to acquiring a FAC be production of evidence of completion of a firearms safety course, or test, approved for these purposes by the Attorney General. This section is unproclaimed and inoperative at this time. Both of these sections anticipate some sort of interaction with the provincial hunter safety programs.

1. Implementation

a. To What Extent Are Safe Handling And Storage Practices Implemented By Businesses?

Firearms businesses now require permits which must be renewed annually. The storage and security procedures of such businesses are monitored either through a provincial system of business inspectors or through local police departments. Annual inspections are conducted prior to permit renewal and *ad hoc* inspections may be carried out during the year. As a result, the level of safe handling and storage practices exercised by businesses is probably quite high.

b. To What Extent Are Safe Handling And Storage Practices Implemented By Individuals?

It is difficult to assess the implementation of safe handling and storage provisions by individual firearm owners. Some criminal cases indicated the kinds of handling and storage practices considered by the courts to be "careless use" were described in the first progress report. The following cases provide further details:

In *R. v. Wright* (1980), 4 W.C.B. 506 (Sask. Prov. Ct.), the storage of a firearm in an unlocked gun rack in the bedroom of children was held to constitute storage of a firearm in a careless manner. The storage of a loaded shotgun in full view in a room to which people were invited from time to time also was held to be a failure to exercise due care, in *R. v. Cousins* (1980-81), 5 W.C.B. 508 (Ont. Co. Ct.).

The intentional discharge of a firearm at a hunter with the intent of scaring though not injuring, was held to be careless use by the British Columbia Court of Appeal in *R. v. Zimmer* (1981), 60 C.C.C (2d) 190. On the other hand, the accidental shooting of a woman by a hunter in an isolated area was not careless handling of a firearm. In *R. v. Wolter* (1980-81), 5 W.C.B. 236 (Ont. Dis. Ct.), the court held that a high degree of carelessness was required to sustain a conviction, not just simple lack of care.

2. Effect

If firearms are stored in safer and more secure environments in firearms businesses and by individual owners, then the number of firearms lost, stolen or missing should be reduced. No accurate data were available to measure this phenomenon.

Another means of assessing the effect of the safe handling and storage provisions is by examining the number of criminal charges laid in relation to unsafe practices and how the courts dealt with these charges.

However, with the exception of the offence of careless use, the number of charges under the remaining individual sections governing safe handling and storage, e.g., breach of a permit condition, was not large enough to make analyses worthwhile. This discussion therefore centres on charges of careless use.

Nationally, the F.P.S. data base indicate that the number of careless use charges increased from 898 to 992 between 1979 and 1980 but remained stable at 993 charges in 1981. These charges constituted about 16.7 percent of total firearm charges from 1979 to 1981.

As discussed in the previous section on sentencing, there was a slight increase in the percentage of careless use charges resulting in a conviction between 1980 and 1981. On the other hand, between 1980 and 1981 there was a decline in the percentage of convicted suspects who incurred jail sentences. Careless use convictions were the least likely of the individual firearm offences examined to result in jail terms. Only about 20 percent of such convictions incurred jail sentences from 1979 to 1981. This would indicate that many courts take the view that the conviction is sufficient to encourage safe handling practices. Careless use convictions were the most likely of the firearm offences to incur prohibition orders, although less than 35 percent of such convictions incurred prohibition.

There is no direct evidence that the safe handling and storage provisions have had an effect. However, the number of careless use charges probably were a reflection of greater enforcement on the part of police and Crowns. Notwithstanding the low percentage of convictions resulting in jail terms, the higher conviction and prohibition rates indicate that the courts were responding to the new emphasis on the promotion of safe handling of firearms.

F. THE REGULATION OF BUSINESSES

A major objective of Bill C-51 was to reduce access to firearms by dangerous and irresponsible users. One of the means of achieving this was through the regulation of firearms businesses.

As of January 1, 1979, businesses dealing in firearms or restricted weapons are required to obtain a permit. Records of all firearms related transactions and inventory are now required. The advertising and mail order sales of firearms are regulated and controls are imposed on businesses transporting or shipping firearms.

Business permits must be renewed annually. Since renewal requires an inspection, each business is inspected by provincial business inspectors or local police officers, at least once a year. The specific criteria for the initial issuance of permits and guidelines are a matter of provincial policy. There is substantial uniformity in screening procedures from province to province, centred on whether the owner had a criminal record and the existing security measures found on the premises.

This section concentrates on the number of business permits that have been issued. The data consists of the business permit figures found in the C.P.F.O. monthly reports and the Commissioner's annual reports to the Solicitor General.

1. Implementation

a. *Has There Been Any Change In The Number Of Business Permits Issued?*

The number of business permits issued by type of permit from 1979 to 1981 are set out in Table IV.3. It appears that there was a dramatic decline in business permits issued between 1979 and 1981. However, the number of permits issued in 1979 does not reflect the number of businesses. That was the first year the permit system was implemented and in order to facilitate inspection scheduling, many provinces introduced a staggered system for that year, issuing permits for 3 months, 6 months and 12 months. Consequently, there was no bench mark to measure the number of firearms businesses in 1979. By the beginning of 1980 the annual renewal system was in effect and the permit numbers for 1980 and 1981 provided a more accurate indication of the number of firearms businesses. However, the number of firearms businesses was somewhat lower than the number of

permits issued, because permits also were issued for temporary exhibitions and gun shows.

Nationally, the number of retail business permits issued for the purpose of selling unrestricted firearms remained quite stable in 1980 and 1981, at slightly over 5,000 permits per year. Provincially, New Brunswick, Saskatchewan and Alberta each showed an increase of over 30 percent in these permits issued between 1980 and 1981. Manitoba, however, had a percentage decline of over 30 percent. Indeed, the number of retail business permits issued in relation to restricted firearms remained stable or increased between 1980 and 1981 in all provinces except Manitoba. Nationally, the number of permits for wholesalers, manufacturers and gunsmiths all increased between 1980 and 1981.

b. To What Extent Are Business Permits Refused?

The number of recorded business permit refusals and revocations was very low. Nationally, there were 11 refusals in 1979, 2 in 1980, and 4 in 1981. There were 7 revocations in 1979, 6 in 1980, and one in 1981.

The legislation does not expressly provide criteria for issuing a business permit. Case law is therefore of some interest.

R. v. Wilke (1981), 60 C.C.C. (2d) 108 (Ont. Dist. Ct.) was an appeal by the Crown from a magistrate's order reversing a business permit refusal. The applicant had been refused a permit for business purposes on the grounds that her husband previously had been convicted of a firearms offence and would be involved in the business. No prohibition order had been issued against the husband and both the husband and wife had been issued a FAC. The Court held that although the business permit sections did not set out explicit criteria for the issuance of the permit, the criteria for a FAC did provide some of the factors to be considered. As the Court found no evidence that the applicant would fail to comply with those requirements it held that the refusal was unwarranted and confirmed the magistrate's order to issue the permit.

The small number of refusals and revocations would indicate that issuing authorities rarely utilize the refusal procedure. This may be because of good compliance with the business regulations. However, as the *Wilke* case demonstrates, if refusals do occur, the courts will require a high level of justification for such refusals.

2. What Are The Effects Of The Firearms Business Regulations?

The objective of the business regulation provisions is to reduce access by dangerous and irresponsible users. However, the regulation of businesses may have had an indirect impact on the number and profitability of firearms businesses. The administrative costs of the new security and record keeping requirements might have been a burden which some businesses could not meet. The C.P.F.O.'s and business inspectors interviewed indicated that the larger firearms businesses were generally unaffected because they always have maintained good security and accurate records. It was anticipated that some smaller businesses, carrying a few firearms as a sideline, may have discontinued carrying firearms in their inventory. There were no comprehensive data available which would enable a full assessment of this effect, but there were no marked declines in the number of firearms business permits issued in 1980 and 1981. This would indicate that the number of firearms businesses remained stable.

Did the effect of Bill C-51 reduce the number of firearm sales? Data on unit and dollar sales of firearms presented in the first report indicated a decline in sales in 1979. This had to be seen in the context of a sharp increase in sales in 1978 which was probably a result of heavy consumer buying prior to the implementation of the FAC system on January 1, 1979. Very limited post-1979 data were available for the study,

Table IV.3

NUMBER OF BUSINESS PERMITS ISSUED
NATIONAL AND BY PROVINCE
1979 — 1981

	Retail Business Permits		Wholesaler	Manufacturer	Gunsmith
	Unrestricted Firearms	Restricted Firearms			
Nfld.					
1979	339	3	18	0	16
1980	246	1	9	0	5
1981	221	3	6	0	3
N.S.					
1979	361	89	9	0	12
1980	187	56	6	0	13
1981	194	56	3	0	4
N.B.					
1979	200	45	5	1	9
1980	191	63	3	0	16
1981	257	83	4	0	41
P.E.I.					
1979	10	4	2	0	6
1980	19	1	1	0	2
1981	25	3	2	0	3
Que.					
1979	2,269	90	105	6	49
1980	1,298	93	45	6	39
1981	1,223	85	55	5	34
Ont.					
1979	2,422	368	119	15	35
1980	1,302	212	63	6	16
1981	1,144	235	59	12	19
Man.					
1979	396	54	7	0	5
1980	403	62	13	0	5
1981	248	31	9	0	5
Sask.					
1979	519	90	13	2	7
1980	313	65	7	2	4
1981	404	84	6	2	9
Alta.					
1979	638	82	36	6	8
1980	633	67	16	3	12
1981	852	121	26	6	19
B.C.					
1979	408	149	22	2	18
1980	412	145	18	2	14
1981	404	159	21	2	12
Yukon					
1979	15	3	1	0	3
1980	19	3	1	0	1
1981	11	6	1	0	0
N.W.T.					
1979	102	0	1	0	0
1980	110	0	0	0	0
1981	107	0	0	0	0
NATIONAL					
1979	7,664	974	337	32	165
1980	5,133	758	182	19	127
1981	5,090	866	192	27	149

Sources: C.P.F.O. monthly and annual Reports and Commissioner's Annual Reports to the Solicitor General

and comments on the subsequent effect on the sales of firearm businesses are not possible.

In summary, due to limited data, comments on the effect of business regulations cannot be made, except to state that the number of retail business permits appears constant.

Chapter V

CONCLUSIONS

This chapter summarizes the principal findings of the study and concludes with brief recommendations regarding some of the legislative processes.

However, it has not been possible to control for the impact of variables other than Bill C-51 on the outcome measures, for example, crimes, accidents, and suicides with firearms. In addition, it has not been possible to determine strict causality, that is that the gun control provisions contained in the *Criminal Law Amendment Act*, 1977, have caused changes in firearms incidents.

Nevertheless, fairly consistent changes in the rates of various types of firearms incidents and sentencing patterns occurred subsequent to the implementation of the legislation. The large number of changes coincident with the implementation of the firearms control provisions found in the *Criminal Law Amendment Act*, 1977, lead to the conclusion that the legislation did have a moderate impact on the use of firearms and the processes by which the means of firearm control were implemented.

The principal findings of this study are:

A. THE OUTCOMES

1. The relative use of firearms in most violent crimes declined in the post-legislation period.

The general trend has been for a modest but consistent decline in the proportion of most crimes committed with firearms since the introduction of the legislation. The national murder statistics show that while the relative use of firearms began to decline in 1975, their use has further declined since the start of the legislation in 1978. In fact, during each year since 1978, the use of firearms in murder has remained lower than it had been since 1962.

The national robbery statistics also indicate a decline in the proportion committed with firearms since 1978. With few exceptions (e.g., robbery in Ottawa), the data from the local city jurisdictions also show that a decrease has occurred in the proportionate use of firearms for most of the other criminal incidents examined.

2. Where firearms are used in violent crime, there is an increasing trend for the firearm to be a handgun.

While the proportion of crime committed with all firearms combined generally declined from the pre- to the post- legislation period, there is less evidence of a similar decline in the use of handguns. As a result, when firearms are used, the firearm is more likely to be a handgun since the legislation. These findings indicate that the greatest impact of the legislation has been on unrestricted firearms, e.g., rifles and shotguns.

3. **There has been a moderate displacement of firearms by other weapons in robberies.**

The data indicate an increase in the proportion of crime committed with other weapons after the legislation, which corresponds to the decrease in the proportion committed with firearms. The use of knives in particular has increased in homicide and attempted murder.

4. **There is a strong relationship between alcohol and drug use and firearms misuse in the two rural jurisdictions.**

The data upon which this finding is based are limited. However the relationship is striking and should not be ignored.

5. **Suspects with criminal records who are involved in crimes involving firearms tend increasingly to have more serious records.**

About 55 percent of all suspects involved in crimes with firearms have criminal records. No significant changes were observed in the post-legislation period in this percentage. However, of those suspects who do have criminal records, there has been a gradual shift for such suspects to have an increasing number of previous charges and for previous charges to have been related to violent offences. This would indicate that the population of persons involved in firearm crimes is shifting to more "hardened" criminals. From this in turn it could be inferred that the legislation has had a deterrent effect on suspects with less serious criminal histories.

6. **Accidents with firearms were declining prior to 1978 but the legislation has contributed to further downward trends.**

The rate of decline in accident rates increased following the introduction of the legislation.

7. **Suicides with firearms declined moderately in the post-legislation period.**

B. THE PROCESSES

8. **Following 1979, courts imposed more severe sentences on firearms offences.**

The immediate effects of the sentencing provisions were felt most sharply in 1980 and began to level off by the following year. Indications that the courts had responded to the legislation include:

— convictions for firearms offences were more likely to result in jail terms in 1981 than in 1979,

— firearms charge convictions resulted in longer jail terms in 1981 than in 1979.

9. **If convictions for use of a firearm in an indictable offence (s.83) occurred, the mandatory sentencing provisions tend to be enforced and the extent to which they were enforced increased over the three years 1979 to 1981.**

10. **Robberies with firearms resulted in longer jail sentences after the implementation of Bill C-51.**

    In the case of Vancouver where more detailed data were available, this increase in severity in sentences for firearms robberies was not part of a pattern for more severe sentences for robberies generally.

11. **Following 1979, sentences for repeat firearms offenders were more severe.**

12. **The requirement for the mandatory imposition of prohibition orders following specified criminal convictions is seldom met.**

    In circumstances where the mandatory provision applied, less than 20 percent of criminal convictions resulted in prohibition orders.

13. **The requirement that a return to a magistrate be made subsequent to a s.101 search and seizure is seldom met.**

    There seems to be considerable confusion as to when and if it is necessary for a report or a return to be given to a magistrate following a search and seizure pursuant to s.101 of the *Criminal Code*.

    In addition to these 13 conclusions, other findings have been noted throughout the paper. However, the foregoing represent what in the researcher's opinion constitute the most important findings of the study.

RECOMMENDATIONS

The recommendations set out herein relate solely to the existing procedures found in the legislation.

The recommendations are:

1. **More precise procedural guidelines should be provided regarding the conduct of the various hearings provided for in the legislation, e.g., the FAC reference, the s.98(6) pre-emptive prohibition application, and the s.101 search and seizure hearing.**

2. **The application of the return procedure following a s.101 search and seizure needs to be more clearly delineated.**

3. **The mandatory provisions of the s.98(1) prohibition orders should be emphasized to Crown Attorneys and judges. One means may be by having the legislation cross-reference s.83 and s.98(1).**

One final comment is necessary. Consideration should be given to means of ensuring more uniform definition of crime statistics, and more uniform methods of collecting and recording crime-related data, in order to make the evaluation of future legislative provisions more effective and efficient.

NOTES

1. It should be noted that the major portion of the national homicide statistics presented in the first progress report actually was only for murders, rather than for all homicides, which also includes manslaughters and infanticides.

2. Data on the relative use of firearms for each individual year for the different crimes in the local jurisdictions are contained in Appendix 1. However, because of the fluctuations that may be expected from year to year, the discussion in the body of the report has been limited to aggregated pre- and post-legislation differences.

3. Canadian Centre for Justice Statistics. *Uniform Crime Reporting Statistics, Canada and the Provinces, 1977-1981: Offensive Weapons*, August, 1982.

4. Data also were obtained on the use of knives in Calgary from 1977 to 1981. However, such data were not available for robberies and weapon offences, and are further limited by the fact that only one year of pre-legislation data are available.

5. Neither of the R.C.M. Police jurisdications are totally rural. In Nova Scotia the ten selected detachments serve a population of approximately 234,000. Six of these detachments are almost completely rural while four have some urban pockets (approximately 25 percent). The 25 selected Saskatchewan detachments cover a far more dispersed population of about 200,000 (spread over approximately 210,000 square kilometers). Included in this area is a small city with a population of about 19,000. Despite the inclusion of some urban centers, the predominate characteristic of the R.C.M. Police jurisdications is rural.

6. For example, an injury with a pellet gun may have been categorized as an assault by one coder and mischief by another.

   The reader also should note that in some instances there are discrepancies between the number of incidents in various offence categories as recorded in the occurrence report data and the numbers reported in the summary statistics. There are a number of reasons for this depending on the jurisdiction. These include the following:
   - — The summary statistics may include the number of victims. For example, if there are four robbery victims they will be coded as four robberies. However if the robbery was committed by one person there will be only one occurrence report.
   - — If one suspect committed four separate robberies, there still only may be one occurrence report but again the summary statistics will reflect four robberies.
   - — The occurrence report data segregate offences committed with air pistols and simulated firearms from the handgun offence counts. However the summary statistics often included these weapons as handguns.
   - — In at least one jurisdiction, counts of homicides also were kept manually for internal reasons and it was these manual tabulations rather than the computer counts which were included in the summary statistic counts. However the occurrence report data were initially flagged through the computer and if an offence had been entered into the computer without a weapon type indicated the computer did not "flag" the occurrence. In other words, the occurrence may have been included in a manual tabulation but not in the computer generated tabulations.

7. A fingerprint form should be submitted to the R.C.M. Police if at least one of the charges is indictable. However the submission of the forms by the individual police forces is voluntary. The study has no accurate estimate of what proportion are not submitted. Some police departments also submit forms on persons charged with pure summary offences. Again, there is no estimate of how many do so.

8. The F.P.S. data indicate whether the suspects had previous criminal charges, not necessarily convictions. The occurrence report data from the local police departments indicate the

extent of previous convictions. For ease of presentation, the term "previous record" will be used to refer to previous charges and/or convictions.

9. The first progress report indicated that 98.9 percent of suspects from the F.P.S. records had a previous criminal charge. However, the figures from the first progress report were limited to records from November, 1979, to March, 1980. Another reason for the discrepancy may be related to the fact that the original F.P.S. data have been further screened to eliminate non-firearm offences from offensive weapons charges.

   The R.C.M. Police initially provided this study with selected information from records on persons charged with a firearms or offensive weapons charge, e.g., possession of a dangerous weapon when the weapon was a knife. Accordingly these records were further screened so that the F.P.S. data base used in this report only includes records where there was at least one charge explicitly related to a firearm, e.g., pointing a firearm. Thus if a charge of "possession of a weapon for a dangerous purpose" appears in the F.P.S. data base it means the suspect also was charged with a firearms offence, and accordingly, it is inferred that the dangerous weapon involved was a firearm.

   Firearms charges for these purposes were defined as offences found in ss.83, 84(1) – (2), and 88(1) – 106.5(4) of the *Criminal Code*. It should be noted that charges relating to prohibited and restricted weapons were included in the definition of firearm charges, although strictly speaking, prohibited weapons may refer to more than firearms.

10. The data for the analysis of accidents and suicides have been collected from several sources:
   — the Hospital Morbidity Statistics Section of Statistics Canada provided data on firearms accidents resulting in injury or death in selected provinces for varying time periods:

Nova Scotia	– 1972 to 1979
Quebec	– 1974 to 1978
Manitoba	– 1974 to 1980
Saskatchewan	– 1971 to 1980
Alberta	– 1974 to 1979
British Columbia	– 1974 to 1980

   — the Vital Statistics Section of Statistics Canada has provided national and provincial data on accidental firearms deaths and suicides;
   — the Toronto Police Department provided suicide statistics for the period 1974 to 1981;
   — the provincial hunter safety program co-ordinators in Nova Scotia, New Brunswick, Ontario, Saskatchewan and British Columbia provided hunting accident statistics for varying years:

Nova Scotia	– 1960 to 1981
New Brunswick	– 1966 to 1981
Ontario	– 1961 to 1981
Saskatchewan	– 1960 to 1981
British Columbia	– 1964 to 1981

   It should also be noted that the definition of hunting accidents varies somewhat from province to province. It usually includes accidents in which a person is injured by a discharge of a hunting weapon (firearm or bow) outside the home and arising from the activity of hunting, including travel to and from the hunting area. In a few provinces it also includes accidents in the home with a hunting instrument.

11. Toronto suicide data also were obtained from Vital Statistics. However, because the Toronto police data were available to the end of 1981, it is these which are presented rather than those from Vital Statistics. There were some differences between the two sets of data. These are probably due to variations in reporting and classification. But the rates of firearm suicides as a percentage of total suicides were within relatively close ranges and followed the same declining trend over the years examined.

12. Until 1979 the Vital Statistics suicide data did not distinguish between suicides caused by firearms and those caused by explosives. It has been assumed that deaths caused by explosives constituted a minimal proportion of total suicides and in order not to distort the trend lines, incidents involving explosives were not excluded from the totals shown in Tables

A2.4 to A2.6 and Figures III.3 and III.4. However for interested readers, nationally there were two suicides using explosives in each of 1979 and 1980. Further, a national breakdown of the type of firearm used in these two years is as follows:

	1979	1980
Handgun	32	36
Long gun	359	425
Other (e.g., military, unspecified)	704	653

13. Data were not collected from the firearms officer responsible for Quebec City because this firearms unit is responsible for a geographic area much larger than the city proper. The rural R.C.M. Police Divisions in Saskatchewan and Nova Scotia are not responsible for certificate and permit administration and therefore data were not collected from these jurisdictions either.

14. It should be noted that this does not necessarily imply that 21 out of every 10,000 persons have a registration certificate, because some individuals (e.g., collectors) have multiple certificates.

15. Since registration certificates are issued in Ottawa, local jurisdictions send recommendations directly to the Commissioner. The discrepancy between the C.P.F.O. and the F.R.A.S. figures probably is due to incomplete forwarding of registration certificate recommendation data by the local jurisdictions to the C.P.F.O. office.

16. Both Ottawa and Toronto in 1980 and 1981 show a larger number of carrying permits issued than registration certificates recommended (see Tables A3.5 and A3.6). This is mainly because carrying permits issued include renewals. There also may be instances of an applicant who already has a registration certificate, applying for a carrying permit at a later date.

17. Bill C-51 created a number of new offences, including:
    - using a firearm while committing or attempting to commit an indictable offence (s.83)
    - careless storage and handling of firearms s.84(2)
    - importing prohibited weapons (s.93)
    - importing restricted weapons s.94(3)
    - delivering of a firearm to a person without a FAC s.95(1)
    - importing a firearm without a FAC s.95(3)
    - possession of a firearm while subject to a search and seizure prohibition s.101(10)
    - failing to report the loss or theft of restricted weapons or firearms from a business s.103(2),(3) and (8)
    - firearm businesses advertising or selling restricted weapons or firearms by mail orders in contravention of regulations s.103(6) and (8)
    - firearm businesses transporting firearms in contravention of regulations s.103(7) and (8)
    - making false statements on applications for certificate or permits s.106.5(6)
    - non-compliance with any term of a permit or certificate s.106.5(3)
    - failing to deliver up a permit or certificate when subject to revocation or prohibition s.106.5(4)

    An example of expanding the definition of an offence was changing the terminology of "dangerous use" of firearms to "careless or unreasonable" use, this latter phrasing having a wider application.

18. Two Supreme Court of Canada decisions have interpreted the scope of s.83. In *Nicholson v. The Queen* (1982), 64 C.C.C. (2d) 116, the Court held that the minimum three year jail sentence on the basis of conviction of an offence prior to 1978, applied even if the accused had been convicted only of being a party to an indictable offence using a firearm, i.e., had not used the firearm himself. In *McGuigan v. The Queen* (1982), 66 C.C.C. (2d) 97, the Court held that an accused could be convicted under s.83 if he had been a party to a current offence contrary to s.83: in this case being the driver of the getaway vehicle subsequent to a firearm robbery.

19. If more than six charges were laid, the charges recorded on the FPS data base were selected first on the basis of whether it was a firearms charge and second, on the basis of the

seriousness of the charge. Multiple charges in a record include charges disposed of two weeks before and two weeks after the firearm charge and thus may include charges arising out of other incidents. However, our judgment is that this would lead to little, if any, distortion of the data or conclusions.

The reader should note further that the R.C.M. Police also rely on the fingerprint records when preparing the Commissioner's annual report to the Solicitor General. However, there are differences in methods of computation, based in part on the selection of the date of record and in part on the fact that this evaluation only records up to six charges per suspect. Thus the absolute numbers found in this report may differ somewhat from those found in the Commissioner's annual firearms report.

20. The selection of the six charges analysed in records having more than six charges was done on the same basis as with the F.P.S. data (see note 19).

21. F.P.S. data from July to December, 1978 were collected. However, the F.P.S. data are recorded according to the date of sentence rather than the date of the incident. There is usually a substantial time lapse between the date criminal charges are laid and the date of actual sentence. As a result, a high proportion of the 1978 data probably reflect dispositions of offences as they were defined prior to the proclamation of Bill C-51. For example, prior to 1978, a s.83 offence referred to possession of a weapon for a dangerous purpose. Much of the sentencing data in this section is charge specific, and accordingly, the data on firearms charges are presented for 1979 to 1981 only. However, in analyses where the reference to the firearms data is generalized, e.g., the number of suspects with previous criminal charges, the 1978 data will be included.

22. A s.98(1) mandatory prohibition shall be ordered when:
— the defendant has been convicted of an indictable offence against a person, which offence has a maximum sentence of ten years or more; or
— the defendant has been convicted pursuant to s.83 (using a firearm while committing an indictable offence).

In addition to the mandatory order a minimum term is imposed. If the conviction is a first one for such an offence, the prohibition is to be for a term of at least *five years*. Otherwise it is subject to a term of at least *ten years*.

It now has been held that this section is not limited to offences using a firearm but has application to all offences involving threats or violence: *R. v. Broome* (1982), 63 C.C.C. (2d) 426 (Ont. C.A.); *R. v. Baer* (1982), 7 W.C.B. 143 (Sask. C.A.). Furthermore, the B.C. Court of Appeal has held that it was not necessary that the accused actually be convicted of an offence in the commission of which violence occurred, if the violence occurred in a manner closely related to the commission of the offence for which the accused was convicted. In the case in question the accused had entered a private home and assaulted the occupant but had been convicted of break and enter; *R. v. Howard* (1981), 60 C.C.C. (2d) 344.

23. A s.98(2) discretionary prohibition may be imposed at the discretion of the judge when an individual has been convicted of either, an offence involving the use, carriage, handling, shipping or storage of *any* firearm or ammunition, or *any offence* (other than one incurring mandatory prohibition) in which violence against a person was used, threatened or attempted. The term can be any period up to five years. In *R. v. Campbell* (1982), 8 W.C.B. 122 (Ont. Prov. Ct.), it was held that a prohibition order can be issued upon conviction of any firearms offence, notwithstanding no threat of violence was used.

24. The section was held to be valid criminal legislation in *R. v. Anderson* (1981 – 82) 6 W.C.B. 49 (Ont. Co. Ct.); *R. v. Rosin et al* (1981 – 82), 6 W.C.B. 108 (Ont. Dist. Ct.) and *R. v. Moliuk* (1981), 60 C.C.C. (2d) 161 (B.C.S.C.).

25. The first report commented at some length on the problems of incomplete recording of prohibition orders in the Canadian Police Information Centre (CPIC), particularly for conviction prohibitions. This problem has not been followed-up in any detail. As both courts and police have become more aware of firearms prohibitions, it is likely that recording has become more accurate though this conclusion has not been tested.

In any event, the problem should not detract from the analyses of trends in the use of prohibitions. The analysis of conviction prohibitions relies on the incidents recorded directly

on an accused's criminal record in the F.P.S. data base and/or local police records. The recording of prohibitions in these data bases should be relatively accurate. However, prohibition orders recorded in the C.P.F.O. monthly reports are incomplete and accordingly are not presented. CPIC recorded annual increases in the number of prohibitions registered. The annual increases were as follows:

— December 24, 1978 to December 31, 1979 — 1,891
— December 31, 1979 to December 31, 1980 — 1,679
— December 31, 1980 to December 31, 1981 — 1,933

These figures do not include prohibitions issued for terms of less than one year, i.e., expired before December 31, but do give some indication that there are consistent increases in the absolute number of prohibitions registered.

28. *Re Attorney – General for Ontario and Audrey Leona Thomson* (1979-80), 3 W.C.B. 441 (Ont. Prov. Ct.) and *Re Beaulieu* (1979-80), 4 W.C.B. 349 (Sask. Q.B.).

27. The Governor in Council is empowered to make regulations which include:
— the handling, securing, storage, display and advertising of restricted weapons, firearms and ammunition;
— allowing police officers and other authorized persons to enter into any business premise during business hours, for the purpose of inspecting storage facilities and display methods;
— the handling, securing and display of weapons by operators and persons employed by approved museums;
— the mail order sale of restricted weapons, firearms, and ammunition; and
— the handling, shipping, etc., of firearms and ammunition by persons in businesses that include transportation of goods.

Furthermore, businesses selling firearms and businesses that include the transportation or shipping of restricted weapons, firearms or ammunition must report every loss or destruction of a restricted weapon or firearm, or any theft of such weapon, firearm or ammunition that occurs in the course of the business.

28. Other means of imposing safe handling and storage standards on owners include:
— the ability to impose reasonable conditions relating "... to the use, carriage, possession, handling or storage of weapons or ammunition...";
— the requirement that without a carrying permit, restricted weapons be kept at the holder's usual dwelling home or place of business;
— the ability of the Governor in Council to make regulations describing conditions relating to the storage, display, handling and transportation of restricted weapons forming part of the collection of bona fide gun collectors;
— the fact that non-compliance with a permit condition is a criminal offence; and
— the provision that anyone who misiays, loses or had a restricted weapon stolen must report it to an authorized person with reasonable dispatch.

Furthermore, even individuals who do not possess a firearm are subject to controls in that anyone finding a prohibited or restricted weapon is obliged to deliver or report it to an authorized person with reasonable dispatch.

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Table A1.1

MURDERS IN CANADA
1961 — 1981

Year	Population (,000)	All Murder Victims	Firearm Murder Victims	Handgun Murder Victims	All Murder Victims 100,000	Firearm Murder Victims 100,000	Handgun Murder Victims 100,000	Murders by Other Means 100,000	Firearm Murders as Proportion of All Murders	Handgun Murders as Proportion of All Firearm Murders
1961	18,238	185	85	14	1.014	0.466	0.077	0.548	0.460	0.165
1962	18,583	217	80	18	1.168	0.431	0.097	0.737	0.369	0.225
1963	18,931	215	99	22	1.136	0.523	0.116	0.613	0.460	0.222
1964	19,291	218	105	28	1.130	0.482	0.145	0.648	0.482	0.267
1965	19,644	243	113	33	1.237	0.575	0.168	0.662	0.465	0.292
1966	20,015	222	92	19	1.109	0.460	0.095	0.649	0.415	0.207
1967	20,378	282	137	35	1.384	0.672	0.172	0.712	0.486	0.256
1968	20,701	315	135	37	1.522	0.652	0.179	0.870	0.428	0.274
1969	21,001	347	154	42	1.652	0.733	0.200	0.919	0.444	0.273
1970	21,297	433	178	38	2.033	0.836	0.178	1.197	0.411	0.213
1971	21,568	426	191	48	1.975	0.866	0.223	1.109	0.449	0.251
1972	21,802	479	200	56	2.197	0.917	0.257	1.280	0.417	0.280
1973	22,043	479	216	57	2.173	0.980	0.259	1.193	0.451	0.264
1974	22,364	545	273	75	2.437	1.221	0.335	1.221	0.501	0.275
1975	22,697	637	290	88	2.807	1.278	0.388	1.529	0.455	0.303
1976	22,993	614	250	67	2.670	1.087	0.291	1.583	0.407	0.268
1977	23,258	628	252	61	2.700	1.083	0.262	1.617	0.401	0.242
1978	23,476	592	234	60	2.522	0.997	0.256	1.525	0.395	0.256
1979	23,672	587	199	51	2.480	0.841	0.215	1.640	0.339	0.256
1980	23,914	493	185	58	2.062	0.774	0.243	1.288	0.375	0.314
1981	24,189	599	185	58	2.476	0.765	0.240	1.712	0.309	0.314

Source: Canadian Centre for Justice Statistics

Note: Because murder statistics are continuously updated by C.C.J.S. as new information becomes available, minor adjustments in the above yearly totals may have occurred since this table was produced.

Table A1.2

PERCENTAGE OF TOTAL MURDERS INVOLVING ALL FIREARMS AND HANDGUNS CANADA 1961 — 1981

	1961	1962	1963	1964	1965	1966	1967	1968	1969	1970	1971	1972	1973	1974	1975	1976	1977	1978	1979	1980	1981
All Firearms	46.0	36.9	46.0	48.2	46.5	41.4	48.6	42.8	44.4	41.1	44.8	41.8	45.1	50.1	45.5	40.7	40.1	39.5	33.9	37.5	30.9
Handguns	7.6	8.3	10.2	12.8	13.6	8.6	12.4	11.7	12.1	8.8	11.3	11.7	11.9	13.8	13.8	10.9	9.7	10.1	8.7	11.8	9.7

Source: Canadian Centre for Justice Statistics

Table A1.3

USE OF WEAPONS IN SELECTED CRIMES
VANCOUVER 1975 — 1981

	1975				1976				1977				1978			
	Total	All Firearms	Hand Guns	Knives	Total	All Firearms	Hand Guns	Knives		All Firearms	Hand Guns	Knives	Total	All Firearms	Hand Guns	Knives
Homicide																
Absolute No	24	4	2	6	25	5	4	12	21	6	3	8	27	4	2	11
% of Total Incidents		17	8	25		20	16	48		29	14	38		15	7	41
Attempted Murder																
Absolute No	3	17	8	6	14	6	2	5	24	12	7	11	18	7	6	8
% of Total Incidents		57	27	20		43	14	36		50	29	46		39	33	44
Rape																
Absolute No	42	7	7	19	57	17	1	16	81	5	5	8	135	5	4	19
% of Total Incidents		17	17	45		30	2	28		6	6	10		4	3	14
Indecent Assault																
Absolute No	-	-	-	-	-	-	-	-	-	-	-	-	229	1	1	6
% of Total Incidents		-	-	-		-	-	-		-	-	-		0	0	3
Assault																
Absolute No	-	-	-	-	2,668	9	7	84	3,283	18	12	85	3,444	13	11	81
% of Total Incidents		-	-	-		0	0	3		1	0	3		0	0	2
Wounding																
Absolute No	94	12	7	53	114	10	7	82	122	2	2	99	174	4	2	126
% of Total Incidents		13	7	57		9	6	72		2	2	81		2	1	72
Robbery																
Absolute No	1,807	420	337	348	1,459	268	215	207	1,222	193	167	203	1,468	225	183	200
% of Total Incidents		23	19	19		18	15	14		16	14	17		15	13	14
Total Violent Crimes (i.e. total of above)																
Absolute No	1,997 *	460 *	361 *	432 *	4,337 *	315 *	236 *	406 *	4,753 *	236	196	414	5,495	259	209	451
% of Total Incidents		23	18	22		7	5	9		5	4	9		5	4	8
Weapons Offences																
Absolute No	823	325	217	336	1,058	299	235	365	1,034	331	279	319	1,242	278	217	358
% of Total Incidents		40	26	41		28	22	34		32	27	30		22	18	28
TOTAL																
Absolute No	2,820 *	785 *	578 *	768 *	5,395 *	614 *	472 *	791 *	5,787 *	567	470	728	6,737	537	426	799
% of Total Incidents		28	20	28		11	9	15		10	8	13		8	6	12

All offences except Homicides include attempts

Cont'd...

'Total' columns are aggregates of incidents by all means

'Weapons Offences' include offences such as possession of prohibited or restricted weapons, dangerous use, carrying concealed weapon, etc

Dashes indicate accurate data not available

*Totals reduced due to absence of Indecent Assault and/or Assault data

Source: Vancouver Police Department
Summary Statistics

Table A1.3
(Cont'd.)

USE OF WEAPONS IN SELECTED CRIMES
VANCOUVER 1975 — 1981

	1979				1980				1981			
	Total	Air Fire Arms	Hand Guns	Knives	Total	Air Fire arms	Hand Guns	Knives	Total	Air Fire Arms	Hand Guns	Knives
Homicide												
Absolute No	26	3	3	16	30	3	3	16	29	6	6	7
% of Total Incidents		12	12	54		10	10	53		21	21	24
Attempted Murder												
Absolute No	32	4	3	15	32	8	6	13	35	13	12	15
% of Total Incidents		13	9	47		25	19	41		37	34	43
Rape												
Absolute No	137	0	0	20	137	3	3	22	155	1	1	23
% of Total Incidents		0	0	15		2	2	16		1	1	15
Indecent Assault												
Absolute No	237	2	2	7	271	0	0	12	254	1	1	13
% of Total Incidents		1	1	3		0	0	4		0	0	5
Assault												
Absolute No	3,890	19	16	78	4,245	11	9	69	4,730	28	27	149
% of Total Incidents		1	0	2		0	0	2		1	1	3
Wounding												
Absolute No	191	13	11	133	192	26	24	126	161	16	14	120
% of Total Incidents		7	6	70		14	13	66		10	9	75
Robbery												
Absolute No	1,276	143	126	186	1,578	204	184	230	1,724	217	191	270
% of Total Incidents		11	10	15		13	12	15		13	11	16
Total Violent Crimes (= total of above)												
Absolute No	5,789	184	159	453	6,485	255	229	488	7,088	282	252	597
% of Total Incidents		3	3	8		4	4	8		5	4	10
Weapons Offences												
Absolute No	1,823	323	274	423	2,034	316	278	523	2,026	364	347	528
% of Total Incidents		18	15	23		16	14	26		18	17	26
TOTAL												
Absolute No	7,612	507	433	876	8,519	571	507	1,011	9,114	646	599	1,125
% of Total Incidents		7	6	12		7	6	12		7	7	12

All offences except Homicide include attempts

'Total' columns are aggregates of incidents by all means

'Weapons Offences' indicate offences such as possession of prohibited or restricted weapons, dangerous use, carrying concealed weapon, etc.

Dashes indicate accurate data not available

*Totals reduced due to absence of Indecent Assault and or Assault data

Source: Vancouver Police Department
Summary Statistics

Table A1.4

USE OF WEAPONS IN SELECTED CRIMES
TORONTO 1974 — 1981

	1974				1975				1976				1977			
	Total	All Firearms	Hand Guns	Knives	Total	All Firearms	Hand Guns	Knives	Total	All Firearms	Hand Guns	Knives	Total	All Firearms	Hand Guns	Knives
Homicide Absolute No. % of Total Incidents	63	14 22	5 8	11 17	64	16 25	10 16	14 22	55	11 20	5 9	11 20	71	18 25	8 11	14 20
Attempted Murder Absolute No. % of Total Incidents	44	10 23	6 14	16 36	46	21 46	11 24	7 15	33	12 36	3 9	14 42	58	26 55	13 25	11 21
Rape Absolute No. % of Total Incidents	213	1 0	0 0	19 9	214	2 1	0 0	9 4	195	6 3	2 1	6 3	279	7 3	3 2	23 8
Indecent Assault Absolute No. % of Total Incidents	960	2 0	2 0	10 1	838	2 0	1 0	10 1	887	1 0	1 0	9 1	962	5 1	3 0	11 1
Assault Absolute No. % of Total Incidents	9,064	20 0	5 0	115 1	7,987	16 0	8 0	127 2	9,351	22 0	2 0	135 1	10,070	17 0	6 0	133 1
Robbery Absolute No. % of Total Incidents	376	51 14	15 4	251 64	402	35 9	1 0	260 65	392	50 13	11 3	263 67	417	52 12	3 1	266 64
Robbery Absolute No. % of Total Incidents	1,670	461 28	270 15	199 11	1,983	526 27	320 16	235 12	1,859	321 17	140 8	225 12	1,864	391 22	236 13	219 12
Total Violent Crimes (A total of above) Absolute No. % of Total Incidents	11,970	563 5	313 3	615 5	11,534	619 5	351 3	660 6	12,882	430 3	172 1	668 5	13,666	501 4	305 2	677 5
Weapons Offences Absolute No. % of Total Incidents	1,770	686 39	248 14	578 33	1,880	703 37	206 11	642 34	1,997	653 33	230 12	662 33	2,103	706 34	210 10	735 35
TOTAL Absolute No. % of Total Incidents	13,240	1,249 9	561 4	1,193 9	13,411	1,322 10	557 4	1,302 10	10,799	1,073 7	402 3	1,330 9	15,793	1,207 8	515 3	1,412 9

All offences except Homicides include attempts

"Total" columns are aggregates of incidents by all means

"Weapons Offences" includes offences such as possession of prohibited or restricted weapons, dangerous use, carrying concealed weapon, etc.

Source: Toronto Police Department
Summary Statistics

Table A1.4
(Cont'd.)

USE OF WEAPONS IN SELECTED CRIMES
TORONTO 1974 — 1981

	1978				1979				1980				1981			
	Total	Air Pistols	Hand Guns	Knives	Total	Air Pistols	Hand Guns	Knives	Total	Air Pistols	Hand Guns	Knives	Total	Air Pistols	Hand Guns	Knives
Homicide Attempts by % of Total Number	54	10 26	9 17	11 20	53	12 23	4 8	22 42	46	15 33	11 23	15 29	65	7 11	3 5	20 31
Attempted Murder Attempts by % of Total Number	47	13 28	8 17	16 34	56	15 27	6 10	25 45	44	15 34	9 21	23 52	61	22 36	16 26	20 33
Rape Attempts by % of Total Number	241	0 0	0 0	17 7	206	2 1	1 1	25 12	177	4 2	3 2	18 10	181	4 2	4 2	30 17
Indecent Assault Attempts by % of Total Number	974	3 0	3 0	5 1	969	3 0	0 0	5 1	977	3 0	2 0	13 1	1,035	1 0	0 0	18 2
Robbery Attempts by % of Total Number	10,132	22 0	2 0	203 2	10,592	15 0	0 0	125 2	11,362	27 0	6 0	149 1	11,393	21 0	5 0	170 2
Assault Attempts by % of Total Number	356	27 7	9 2	267 73	386	39 10	7 2	250 65	371	35 9	6 2	235 63	444	40 9	8 2	261 59
Robbery Attempts by % of Total Number	1,881	365 19	197 11	213 11	1,736	309 18	196 11	186 11	2,102	401 19	255 12	273 13	2,227	398 18	248 11	261 12
Total Violent Crimes (4 total of above Attempts by % of Total Number	13,725	440 3	220 2	752 6	13,938	395 3	216 2	618 5	15,121	521 3	302 2	725 5	15,356	494 3	284 2	760 5
Weapons Offences Attempts by % of Total Number	2,235	713 32	212 10	823 37	2,306	610 27	224 10	899 39	2,551	726 29	279 11	1,066 39	2,990	786 27	310 10	1,213 41
TOTAL Attempts by % of Total Number	15,960	1,153 7	432 3	1,575 10	16,244	1,005 6	440 3	1,532 9	17,672	1,248 7	581 3	1,791 10	18,346	1,280 7	594 3	1,973 11

All offences except Homicide include attempts

"Total" columns are aggregates of incidents by all means

"Weapons Offences" include offences such as possession of prohibited or restricted weapons, dangerous use, carrying concealed weapon, etc.

Source: Toronto Police Department
Summary Statistics

Table A1.2

USE OF FIREARMS IN SELECTED CRIMES
OTTAWA 1976 – 1981

	1976			1977			1978			1979			1980			1981		
	Total	Firearms	Other Guns	Total	Firearms	Other Guns	Total	Firearms	Other Guns	Total	Firearms	Other Guns	Total	Firearms	Other Guns	Total	Firearms	Other Guns
Homicide Absolute No. % of Total Incidents	10	1 10	0 0	15	3 20	0 0	11	2 18	0 0	3	0 0	0 0	4	1 25	0 0	3	1 33	1 33
Attempted Murder Absolute No. % of Total Incidents	29	16 55	13 45	31	22 65	6 19	10	5 50	2 20	16	5 31	3 19	15	7 47	4 27	5	2 40	0 0
Rape Absolute No. % of Total Incidents	19	0 0	0 0	24	0 0	0 0	39	0 0	0 0	43	1 2	1 2	24	0 0	0 0	25	0 0	0 0
Robbery Armed Absolute No. % of Total Incidents	116	1 1	1 1	148	0 0	0 0	179	0 0	0 0	170	0 0	0 0	135	2 2	2 2	166	0 0	0 0
Assault Absolute No. % of Total Incidents	912	– –	– –	984	– –	– –	1,067	– –	– –	1,065	– –	– –	1,110	– –	– –	1,057	– –	– –
Shooting Absolute No. % of Total Incidents	22	0 0	0 0	22	6 27	0 0	27 *	4 15	2 7	26	1 4	0 0	10	4 40	0 0	31	7 23	3 1
Robbery Absolute No. % of Total Incidents	544	135 25	110 21	558	135 24	103 19	527	133 25	99 19	589	184 31	153 26	679	234 35	200 30	716	266 37	213 30
Total Violent Crimes' (= total of above) Absolute No. % of Total Incidents	1,652	153 9	125 8	1,795	166 10	109 6	1,875	186 8	103	1,930	191 10	157 8	1,981	260 12	210 11	2,110	270 13	217 10
Weapons Offences Absolute No. % of Total Incidents	171	– –	– –	159	– –	– –	266	– –	– –	268	– –	– –	299	– –	– –	189	– –	– –
TOTAL' Absolute No. % of Total Incidents	1,823	153 8	125 7	19	166 9	109 6	2,001	186 7	103 5	2,198	191 9	157 7	2,280	260	210	2,363	270	217

All offences except Homicides include attempts

'Total' columns are aggregates of incidents by all means

'Weapons Offences' includes offences such as possession of prohibited or restricted weapons, dangerous use, carrying concealed weapon, etc.

*Firearm and handgun totals reduced by lack of data on assaults and weapons offences

Dashes indicate data not available

Source: Ottawa Police Department
Summary Statistics

Table A1.6

USE OF WEAPONS IN SELECTED CRIMES
CALGARY 1977 — 1981

	1977				1978				1979				1980				1981			
	Total	All Fire Arms	Hand Guns	Knives	Total	All Fire Arms	Hand Guns	Knives	Total	All Fire Arms	Hand Guns	Knives	Total	All Fire Arms	Hand Guns	Knives	Total	All Fire Arms	Hand Guns	Knives
Homicide Absolute No % of Total Incidents	14	3 21	1 7	6 43	18	5 28	2 11	3 17	19	3 16	2 11	3 16	12	5 42	0 0	2 17	18	3 17	1 6	8 44
Attempted Murder Absolute No % of Total Incidents	31	15 48	2 7	13 42	20	11 55	5 26	6 30	14	8 57	3 21	3 21	18	8 44	3 17	6 33	24	3 13	2 8	9 38
Indecent Assault Absolute No % of Total Incidents	195	0 0	0 0	2 1	192	0 0	0 0	1 1	191	0 0	0 0	5 2	225	1 0	0 0	4 2	263	0 0	0 0	0 0
Assault Absolute No % of Total Incidents	-	- -	- -	- -	-	- -	- -	- -	1,951	2 0	0 0	0 0	2,015	0 0	1 0	13 1	2,375	1 0	0 0	12 1
Robbery Absolute No % of Total Incidents	72	7 10	1 1	57 79	71	3 4	0 0	44 62	93	6 7	1 1	56 60	86	13 15	4 5	40 47	117	0 0	2 2	84 72
Robbery* Absolute No % of Total Incidents	185	83 45	55 30	- -	201	77 38	58 29	- -	212	83 39	56 26	- -	270	111 41	81 30	- -	330	151 46	110 33	- -
TOTAL** Absolute No % of Total Incidents	496	108 22	59 12	78 16	502	96 19	64 13	54 11	2,480	102 4	62 3	70 3	2,686	162 6	89 3	65 3	3,169	167 5	125 4	113 4

All offences except Homicides include attempts

"Total" columns are aggregates of incidents by all means

Dashes indicate accurate data not available

*Excludes robbery using bodily force

**Total reduced due to absence of data on assaults for the years 1977 — 1979 and robberies with knives for all years

Source: Calgary Police Department
Summary Statistics

Table A1.7

NUMBER AND PERCENTAGE OF ACTUAL ROBBERIES, BY CATEGORY
CANADA 1977 — 1981

	1977		1978		1979		1980		1981	
	Nbre	%	Nbre	%	Nbre	%	Nbre	%	Nbre	%
Firearms	7,507	38.5	7,203	36.6	7,439	36.6	8,594	35.0	9,040	34.4
Other Offensive Weapons	3,350	17.2	3,338	17.0	3,806	18.2	4,763	19.4	5,455	20.8
Other Robbery	8,634	44.3	9,132	46.4	9,654	46.2	11,224	45.7	11,797	44.9
Robbery Total	19,491	100.0	19,673	100.0	20,899	100.0	24,581	100.0	26,292	100.0

Source: Canadian Centre for Justice Statistics (August, 1982)

Table A1.2

PERCENTAGE DISTRIBUTION OF TYPES OF FIREARMS USED IN SELECTED OFFENCES WITH FIREARMS SIX CASE JURISDICTIONS 1979 — 1981

VANCOUVER

		No. of Offences	Handgun	Rifle/ Shotgun	Air Pistol	Simulated Weapon	Other	Unknown
Pointing Firearm s.84(1)	1979	12	25.0	58.3	0.0	8.3	8.3	0.0
	1980	18	27.8	44.4	27.8	0.0	0.0	0.0
	1981	18	11.1	38.9	33.3	0.0	16.7	0.0
Careless Use s.84(1)	1979	12	0.0	75.0	25.0	0.0	0.0	0.0
	1980	17	23.5	58.8	17.6	0.0	0.0	0.0
	1981	12	16.7	41.7	25.0	0.0	16.7	0.0
Possession Weapon Dangerous Purpose s.85	1979	95	17.8	44.4	28.9	4.4	4.4	0.0
	1980	37	13.5	43.2	37.8	2.7	2.7	0.0
	1981	52	15.4	23.1	32.7	21.2	7.7	0.0
Assault	1979	12	0.0	33.3	66.7	0.0	0.0	0.0
	1980	14	14.3	7.1	78.6	0.0	0.0	0.0
	1981	27	22.2	14.8	59.3	0.0	3.7	0.0
Robbery	1979	138	47.1	14.5	5.1	29.7	2.9	0.7
	1980	206	59.2	11.2	1.9	25.8	2.4	0.5
	1981	217	59.4	13.8	4.6	16.1	3.2	2.8
Total Offences With Firearms	1979	301	37.2	29.2	19.3	10.9	2.0	0.3
	1980	371	48.5	19.9	14.8	10.4	0.3	0.3
	1981	436	45.4	19.8	16.9	11.2	5.2	1.3

CALGARY

		No. of Offences	Handgun	Rifle/ Shotgun	Air Pistol	Simulated Weapon	Other	Unknown
Possession Weapon Dangerous Purpose s.85	1979	24	12.5	70.8	8.3	4.2	4.2	0.0
	1980	82	14.6	63.4	15.9	0.0	6.1	0.0
	1981	96	14.6	57.3	19.8	3.1	5.2	0.0
Robbery	1979	84	58.8	25.0	2.4	16.7	1.2	0.0
	1980	107	66.4	23.4	3.7	2.8	3.7	0.0
	1981	115	73.9	15.7	7.0	0.9	2.6	0.0
Total Offences With Firearms	1979	237	36.7	43.5	6.3	10.1	3.4	0.0
	1980	366	41.5	40.7	11.7	0.8	5.2	0.0
	1981	393	44.8	35.6	14.5	1.5	3.6	0.0

OTTAWA

		No. of Offences	Handgun	Rifle/ Shotgun	Air Pistol	Simulated Weapon	Other	Unknown
Pointing Firearm s.84(1)	1979	18	22.2	33.3	11.1	22.2	0.0	11.1
	1980	23	30.4	47.8	17.4	4.3	0.0	0.0
	1981	17	29.4	35.3	11.8	5.9	0.0	17.6
Possession Weapon Dangerous Purpose s.85	1979	33	18.2	36.4	9.0	15.2	12.1	9.1
	1980	33	36.4	18.2	27.3	9.1	9.1	0.0
	1981	29	27.6	31.0	20.7	13.8	3.4	0.0

Cont'd

Table A1.8
(Cont'd.)

PERCENTAGE DISTRIBUTION OF TYPES OF
FIREARMS USED IN SELECTED OFFENCES WITH FIREARMS
SIX CMAS JURISDICTIONS 1979 — 1981

OTTAWA (Cont'd.)

		No. of Offences	Handgun	Rifle Shotgun	Air Pistol	Simulated Weapon	Other	Unknown
Robbery								
	1979	177	53.1	27.1	1.7	4.5	2.8	10.7
	1980	218	72.9	17.9	1.4	1.8	2.8	3.2
	1981	254	69.7	25.2	0.0	1.6	3.5	0.0
Total Offences With Firearms								
	1979	312	40.4	33.7	4.8	8.0	4.2	9.0
	1980	419	55.1	26.7	7.4	3.6	5.0	2.1
	1981	374	54.5	32.4	5.1	2.7	4.3	1.1

QUEBEC CITY

		No. of Offences	Handgun	Rifle Shotgun	Air Pistol	Simulated Weapon	Other	Unknown
Robbery								
	1979	226	67.7	22.1	5.3	3.1	1.8	0.0
	1980	167	80.2	12.6	3.0	1.8	2.4	0.0
	1981	143	69.2	23.0	0.7	2.8	4.2	0.0
Total Offences With Firearms								
	1979	284	60.6	28.5	5.3	2.5	3.2	0.0
	1980	207	75.8	15.5	2.4	1.4	4.8	0.0
	1981	184	62.5	30.4	0.5	1.6	4.9	0.0

R.C.M. POLICE DETACHMENTS
NOVA SCOTIA AND SASKATCHEWAN

		No. of Offences	Handgun	Rifle Shotgun	Air Pistol	Simulated Weapon	Other	Unknown
Pointing Firearm s.84(1)								
	1980	16	0.0	100.0	0.0	0.0	0.0	0.0
	1981	25	12.0	80.0	0.0	0.0	8.0	0.0
Careless Use s.84(2)								
	1980	19	5.3	78.9	10.5	0.0	5.3	0.0
	1981	24	0.0	95.8	4.2	0.0	0.0	0.0
Possession Weapon Dangerous Purpose s.88								
	1980	30	13.3	50.0	0.0	0.0	6.7	30.0
	1981	15	0.0	73.3	0.0	26.7	0.0	0.0
Total Offences With Firearms								
	1980	161	6.8	67.0	1.9	0.0	7.5	16.8
	1981	158	6.7	84.7	0.7	0.0	8.0	0.0

No 1979 data collected from R.C.M. Police jurisdictions

Simulated weapons include imitation or toy guns, starter pistols and flare guns. In Vancouver they also include alleged but unseen firearms

Note: Total offences include various other firearm offences not listed in these tables

Source: Police Occurrence Reports

Table A1.8

PERCENTAGE DISTRIBUTION OF FIREARMS OFFENCES SIX CASE JURISDICTIONS 1979 — 1981

	1979	1980	1981
Pointing a Firearm			
Vancouver	8.0	8.9	8.1
Calgary	0.8	20.2	17.8
Ottawa	5.8	5.5	4.5
Quebec City	0.0	2.9	1.6
Sask. RCMP	-	12.2	15.2
N.S. RCMP	-	8.9	17.6
Careless Use			
Vancouver	8.0	4.6	2.8
Calgary	22.4	0.8	8.1
Ottawa	3.5	4.3	1.2
Quebec City	0.4	0.5	1.6
Sask. RCMP	-	14.2	15.3
N.S. RCMP	-	10.7	16.5
Possession of Weapon for Dangerous Purpose			
Vancouver	15.0	10.0	11.9
Calgary	10.1	22.4	24.4
Ottawa	10.6	7.9	7.8
Quebec City	0.0	0.0	0.0
Sask. RCMP	-	20.4	3.4
N.S. RCMP	-	17.9	14.3
Other Weapons and Firearms Charges			
Vancouver	17.6	11.6	8.3
Calgary	11.8	9.8	9.7
Ottawa	9.3	12.6	6.1
Quebec City	4.2	6.3	9.2
Sask. RCMP	-	8.2	6.8
N.S. RCMP	-	2.7	8.8
Robbery			
Vancouver	45.8	55.5	49.8
Calgary	35.4	29.2	29.3
Ottawa	56.7	52.0	57.9
Quebec City	79.6	80.7	77.7
Sask. RCMP	-	4.1	6.5
N.S. RCMP	-	5.4	3.3
Homicides, Woundings and Assaults			
Vancouver	9.3	10.0	18.0
Calgary	8.0	8.7	4.3
Ottawa	2.2	3.6	2.7
Quebec City	5.6	2.8	1.6
Sask. RCMP	-	10.2	8.5
N.S. RCMP	-	15.2	9.9
Other Miscellaneous Criminal Offences			
Vancouver	8.3	3.5	9.2
Calgary	11.8	8.7	8.4
Ottawa	6.4	10.5	5.6
Quebec City	7.0	6.8	6.0
Sask. RCMP	-	6.1	22.0
N.S. RCMP	-	25.0	6.8
Domestic Incidents			
Vancouver	-	-	-
Calgary	-	-	-
Ottawa	3.8	1.8	1.6
Quebec City	0.0	0.0	0.0
Sask. RCMP	-	0.0	1.7
N.S. RCMP	-	0.9	9.9
Suicides			
Vancouver	-	-	-
Calgary	-	-	-
Ottawa	1.6	2.1	2.4
Quebec City	3.1	0.5	2.2
Sask. RCMP	-	24.5	18.6
N.S. RCMP	-	13.4	11.0
Total Firearm Offences*			
Vancouver	301	371	436
Calgary	237	366	393
Ottawa	312	419	378
Quebec City	284	207	184
Sask. RCMP	-	49	59
N.S. RCMP	-	112	91

*Reflects number of offences, not incidents, i.e., up to three offences recorded per incident

All offences include attempts

Dashes indicate data not available

Source: Police Occurrence Reports

Table A1.10

PERCENTAGE DISTRIBUTION OF THE LOCATION OF SELECTED OFFENCES WITH FIREARMS SEVEN CASE JURISDICTIONS 1979 — 1981

VANCOUVER

		No. of Offences	Domicile	Business	Street	Vehicle	Other	Unknown
Pointing Firearm s.84(1)	1979	12	58.3	16.7	25.0	0.0	0.0	0.0
	1980	18	27.8	11.1	44.4	16.7	0.0	0.0
	1981	18	50.0	5.6	44.4	0.0	0.0	0.0
Careless Use s.84(2)	1979	12	75.0	16.7	0.0	0.0	0.0	8.3
	1980	17	58.8	11.8	29.4	0.0	0.0	0.0
	1981	12	58.3	16.7	25.0	0.0	0.0	0.0
Possession Weapon Dangerous Purpose s.85	1979	45	31.1	31.1	33.3	2.2	0.0	2.2
	1980	37	43.2	13.5	32.4	10.8	0.0	0.0
	1981	52	36.5	17.3	36.5	5.8	3.8	0.0
Assault	1979	12	41.7	16.7	33.3	0.0	8.3	0.0
	1980	14	14.3	0.0	85.7	0.0	0.0	0.0
	1981	27	40.7	7.4	37.0	7.4	7.4	0.0
Robbery	1979	138	5.8	77.5	11.6	4.3	0.7	0.0
	1980	206	5.3	85.9	6.8	1.9	0.0	0.0
	1981	217	6.5	85.7	5.5	0.9	0.9	0.5
Total Offences With Firearms	1979	301	24.3	47.1	19.6	6.3	0.7	2.0
	1980	371	18.9	53.6	22.6	4.0	0.8	0.0
	1981	436	24.3	52.0	18.1	3.4	2.1	0.2

CALGARY

		No. of Offences	Domicile	Business	Street	Vehicle	Other	Unknown
Possession Weapon Dangerous Purpose s.85	1979	24	45.8	12.5	12.5	12.5	16.6	0.0
	1980	82	50.0	20.7	15.9	9.8	2.4	1.2
	1981	96	57.3	8.3	15.6	13.5	1.0	4.2
Robbery	1979	84	10.7	70.2	7.1	10.7	1.2	0.0
	1980	107	0.9	89.7	2.8	4.7	0.9	0.9
	1981	115	7.8	80.0	0.9	8.7	2.6	0.0
Total Offences With Firearms	1979	237	33.3	34.6	13.5	12.7	5.5	0.4
	1980	366	23.5	49.7	9.3	11.2	3.8	2.5
	1981	393	34.4	38.2	8.1	13.7	4.8	0.8

OTTAWA

		No. of Offences	Domicile	Business	Street	Vehicle	Other	Unknown
Pointing Firearm s.84(1)	1979	18	33.3	5.6	55.6	0.0	5.5	0.0
	1980	23	47.8	8.7	30.4	13.0	0.0	0.0
	1981	17	17.6	23.5	52.9	5.9	0.0	0.0
Possession Weapon Dangerous Purpose s.85	1979	33	36.4	15.2	33.3	3.0	9.1	3.0
	1980	33	30.3	15.2	36.4	15.2	3.0	0.0
	1981	29	34.5	27.6	27.6	6.9	3.4	0.0
Robbery	1979	177	8.5	76.8	8.5	2.3	4.0	0.0
	1980	218	3.2	83.9	9.6	3.2	0.0	0.0
	1981	254	7.5	80.7	9.1	2.0	0.4	0.4

Cont'd

Table A1.16
(Cont'd.)

PERCENTAGE DISTRIBUTION OF THE LOCATION OF SELECTED OFFENCES WITH FIREARMS SEVEN CASE JURISDICTIONS 1979 — 1981

OTTAWA (Cont'd.)

		No. of Offences	Domicile	Business	Street	Vehicle	Other	Unknown
Total Offences With Firearms								
	1979	312	23.4	50.3	17.9	2.2	4.5	1.6
	1980	419	19.8	52.3	20.0	5.7	0.7	1.4
	1981	374	16.8	62.8	13.6	3.5	2.7	0.5

QUEBEC CITY

		No. of Offences	Domicile	Business	Street	Vehicle	Other	Unknown
Robbery								
	1979	226	10.6	70.4	15.5	1.3	2.2	0.0
	1980	167	1.8	85.7	7.8	3.6	0.6	0.6
	1981	143	2.1	86.7	5.6	1.4	4.2	0.0
Total Offences With Firearms								
	1979	284	12.0	65.1	16.9	2.1	3.5	0.4
	1980	207	8.2	75.8	10.1	4.8	1.0	0.5
	1981	184	6.0	84.2	4.3	1.1	4.3	0.0

TORONTO

		No. of Offences	Domicile	Business	Street	Trans-portation	Other	Unknown
Wounding								
	1979	39	28.2	7.7	- *	56.4	7.7	0.0
	1980	35	22.9	0.0	-	62.9	14.3	0.0
	1981	40	47.5	2.5	-	30.0	20.0	0.0
Assault								
	1979	15	46.7	6.7	-	40.0	6.7	0.0
	1980	27	33.3	7.4	-	48.1	11.1	0.0
	1981	21	42.9	23.8	-	28.6	4.8	0.0
Robbery								
	1979	309	13.3	39.5	-	34.6	9.7	0.0
	1980	421	20.0	42.5	-	33.0	3.3	1.2
	1981	399	14.0	46.6	-	31.8	7.5	0.0

*Toronto does not have categories of 'street' and 'vehicle' — these are combined under heading 'transportation'

R.C.M. POLICE DETACHMENTS— NOVA SCOTIA AND SASKATCHEWAN*

		No. of Offences	Domicile	Business	Street	Vehicle	Other	Unknown
Pointing Firearm s.84(1)	1980	16	50.0	0.0	43.8	6.3	0.0	0.0
	1981	25	68.0	0.0	16.0	0.0	16.0	0.0
Careless Use s.84(2)	1980	19	82.4	11.8	5.9	0.0	0.0	0.0
	1981	24	83.3	0.0	4.2	8.3	4.2	0.0
Possession Weapon Dangerous Purpose s.85	1980	30	46.7	20.0	20.0	3.3	6.7	3.3
	1981	15	93.3	6.7	0.0	0.0	0.0	0.0
Total Offences With Firearms	1980	161	59.6	14.3	13.7	3.7	5.0	3.7
	1981	150	64.0	7.3	13.3	2.7	11.3	1.3

*No 1979 data collected

Sources Police Occurrence Reports and Toronto Police Department

Table A1.11

PERCENTAGE DISTRIBUTION OF AGES OF SUSPECTS CHARGED WITH SELECTED OFFENCES WITH FIREARMS SIX CASE JURISDICTIONS 1979 — 1981

VANCOUVER

		No. of Suspects	Years			
			Under 18	18 — 24	25 — 34	35 or More
Careless Use						
s.84(2)	1979	14	21.4	28.6	14.3	35.7
	1980	16	0.0	43.8	18.8	37.5
	1981	13	38.5	15.4	7.7	38.5
Possession Weapon Dangerous Purpose						
s.85	1979	53	9.4	35.8	26.4	28.3
	1980	36	2.8	38.9	33.3	25.0
	1981	52	17.3	25.0	21.2	36.5
Total Firearms and Weapons Offences						
	1979	142	5.6	35.2	24.6	34.5
	1980	113	0.9	33.6	37.2	28.3
	1981	122	16.4	26.2	28.7	28.7
Robbery						
	1979	29	13.8	31.0	48.3	6.9
	1980	60	0.0	45.0	45.0	10.0
	1981	78	1.3	37.2	51.3	10.3

CALGARY

		No. of Suspects	Years			
			Under 18	18 — 24	25 — 34	35 or More
Careless Use						
s.84(2)	1979	44	29.5	36.4	18.2	15.9
	1980 *	–	–	–	–	–
	1981	35	14.3	25.7	34.3	25.7
Possession Weapon Dangerous Purpose						
s.85	1979	37	24.3	37.8	21.6	16.2
	1980	76	14.5	38.2	35.5	11.8
	1981	111	15.3	37.8	30.6	16.2
Total Firearms and Weapons Offences						
	1979	117	18.8	41.0	23.0	17.1
	1980	176	9.1	47.7	31.8	11.4
	1981	253	13.8	37.5	31.2	17.4
Robbery						
	1979	69	7.2	68.1	18.8	5.8
	1980	68	17.6	67.6	14.7	0.0
	1981	98	7.1	62.2	19.4	11.1

* Less than 10 suspects in 1980

Cont'd

Table A1.11
(Cont'd.)

PERCENTAGE DISTRIBUTION OF AGES OF PERSONS CHARGED WITH SELECTED OFFENCES WITH FIREARMS SIX CASE JURISDICTIONS 1979 — 1981

OTTAWA

		No. of Suspects	Years			
			Under 18	18 — 24	25 — 34	35 or More
Possession Weapon Dangerous Purpose s.85	1979	23	8.7	34.8	30.4	26.1
	1980	24	4.2	37.5	37.5	20.8
	1981	23		34.8	34.8	30.4
Total Firearms and Weapons Offences						
	1979	74	4.1	43.2	27.0	25.7
	1980	147	2.1	42.9	34.7	20.4
	1981	79	0.0	51.9	27.8	20.3
Robbery						
	1979	64	0.0	75.0	25.0	0.0
	1980	66	1.5	78.8	16.7	3.0
	1981	81	1.2	60.5	32.1	6.2

QUEBEC CITY

		No. of Suspects	Years			
			Under 18	18 — 24	25 — 34	35 or More
Total Firearms and Weapons Offences						
	1979	12	0.0	50.0	33.3	16.7
	1980	21	0.0	61.9	14.3	23.8
	1981	21	4.8	57.1	19.0	19.0
Robbery						
	1979	42	2.4	71.4	23.8	2.4
	1980	44	6.8	75.0	13.6	4.5
	1981	33	12.1	72.7	15.2	0.0

R.C.M. POLICE JURISDICTIONS
NOVA SCOTIA AND SASKATCHEWAN*

		No. of Suspects	Years			
			Under 18	18 — 24	25 — 34	35 or More
Careless Use s.84(2)	1980	17	11.8	29.4	23.5	35.3
	1981	19	0.0	47.4	26.3	26.3
Possession Weapon Dangerous Purpose s.85	1980	31	9.7	48.4	16.1	25.8
	1981	15	6.7	33.3	40.0	20.0
Total Firearms and Weapons Offences						
	1980	67	7.5	41.8	19.4	31.3
	1981	62	1.6	35.5	30.6	32.3

*No 1979 data collected

Source: Police Occurrence Reports

Table A1.12

PERCENTAGE DISTRIBUTION OF SUSPECTS WITH PREVIOUS CRIMINAL RECORDS NATIONAL AND THREE CASE JURISDICTIONS 1978 — 1981

	Number of Suspects	Percent Having Previous Record*
National		
1978	1,581	55.3
1979	3,566	53.6
1980	4,417	62.7
1981	5,063	54.8
Quebec City		
1979	55	41.8
1980	54	33.3
1981	40	47.5
Ottawa		
1979	133	65.4
1980	155	60.6
1981	152	65.1
Vancouver		
1979	148	51.4
1980	164	52.4
1981	151	68.9

*National data refer to suspects with previous charges, not necessarily convictions. Local data refer to convictions.

F.P.S. data available only from July, 1978

Sources: Police Occurrence Reports and F.P.S.

Table A1.13

PERCENTAGE DISTRIBUTION OF NUMBER OF PREVIOUS CHARGES FOR SUSPECTS WITH CRIMINAL RECORDS NATIONAL 1978 — 1981

	Suspects with Previous Records	Number of Previous Charges (%)				
		1	2	3	4-5	≥5
1978	875	16.8	13.5	10.7	14.9	44.1
1979	1,912	18.8	13.3	10.0	13.5	44.4
1980	2,769	16.8	13.0	9.0	13.0	48.2
1981	2,772	15.6	12.0	9.2	13.0	50.3

1978 data available only from July, 1978

Source: F.P.S.

Table A1.14

PERCENTAGE DISTRIBUTION OF TYPES OF PREVIOUS CRIMINAL RECORDS* NATIONAL AND THREE CASE JURISDICTIONS 1978 – 1981

	Suspects with Previous Records	Previous Violent Offence (%)	Previous Firearm Offence (%)
National			
1978	975	95.0	25.1
1979	1,913	96.1	27.2
1980	2,769	97.5	28.2
1981	2,772	96.7	27.6
Quebec City			
1978	23	78.3	30.4
1980	16	93.3	56.6
1981	19	89.7	63.2
Ottawa			
1978	87	93.8	98.6
1980	95	92.6	38.3
1981	99	98.9	93.9
Vancouver			
1978	76	95.3	23.7
1980	86	98.8	22.1
1981	104	96.8	13.9

*With the exception of previous violent offence convictions, national data refer to persons with previous charges, not necessarily convictions.

F P S data available only from July 1978.

Violent offences in cities include offences against persons only, e.g. homicide, assaults, rape, extortion, robbery. Nationally they include offences against both persons and property, e.g. robbery, extortion, break and enter, rape.

Sources: Police Occurrence Reports and F P S.

Table A1.15

SUSPECTS WITH RECORDS OF PREVIOUS FIREARMS OFFENCES AND PERCENTAGE DISTRIBUTION OF NUMBER OF PREVIOUS FIREARMS CONVICTIONS* NATIONAL AND THREE CASE JURISDICTIONS 1978 – 1981

	Suspects With Previous Firearms Records	No. of Previous Firearm Convictions (%)			
		1	2	3	4
National					
1978	228	58.1	28.1	10.5	3.3
1979	520	57.1	26.2	8.7	8.1
1980	782	59.2	19.6	8.1	8.2
1981	768	57.8	25.5	9.9	6.8
Quebec City					
1978	7	28.6	0.0	42.9	28.6
1980	9	22.2	22.2	11.1	44.5
1981	12	16.7	16.7	0.0	66.7
Ottawa					
1978	41	29.3	31.2	13.7	15.7
1980	35	20.6	37.8	25.8	14.7
1981	53	58.5	9.7	17.0	16.8
Vancouver					
1978	18	77.8	16.7	5.6	0.0
1980	19	63.2	26.3	10.5	0.0
1981	14	28.6	42.9	21.4	7.1

*National data refer to persons with previous charges, not necessarily convictions.

F P S data available only from July 1978.

Sources: Police Occurrence Reports and F P S.

Table A1.16

SUSPECTS WITH PREVIOUS RECORDS* AND PERCENTAGE DISTRIBUTION OF NUMBER OF MONTHS IN JAIL NATIONAL AND THREE CASE JURISDICTIONS 1979 — 1981

	Suspects With Previous Records	Months in Jail (%)			
		None	1 — 6	7 — 23	24 +
National					
1978	875	51.5	17.6	10.9	20.0
1979	1,912	52.5	15.5	11.5	20.5
1980	2,769	48.6	15.7	11.9	13.1
1981	2,772	49.3	16.0	23.9	21.6
Quebec City					
1979	23	47.8	4.3	8.7	39.1
1980	18	27.8	11.1	11.1	50.0
1981	19	21.1	5.3	26.3	47.4
Ottawa					
1979	87	39.1	20.7	15.0	25.3
1980	95	43.7	16.0	21.3	18.1
1981	99	29.3	17.2	18.2	35.4
Vancouver					
1979	75	73.7	0.0	0.0	26.3
1980	88	46.5	6.7	8.1	40.7
1981	104	22.1	8.7	9.6	59.6

*National data refer to persons with previous charges, not necessarily convictions

F P S data available only from July, 1978

Sources: Police Occurrence Reports and F P S

Table A1.17

PERCENTAGE DISTRIBUTION OF SUSPECTS WITH PREVIOUS JAIL SENTENCES HAVING AT LEAST ONE PENITENTIARY SENTENCE* NATIONAL AND THREE CASE JURISDICTIONS 1979 — 1981

	Number of Suspects With Previous Jail	Percent with Previous Penitentiary Sentence
National		
1978	828	22.9
1979	908	28.0
1980	1,429	29.0
1981	1,186	25.1
Quebec City		
1979	12	41.7
1980	13	46.2
1981	15	40.0
Ottawa		
1979	53	39.0
1980	52	32.7
1981	70	31.4
Vancouver		
1979	20	100.0
1980	46	65.2
1981	61	45.1

*A penitentiary sentence indicates a jail term of two years or more

F P S data available only from July, 1978

Sources: Police Occurrence Reports and F P S

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FATAL FIREARMS ACCIDENTS — TOTALS AND PER 100,000 POPULATION BY PROVINCE AND NATIONAL 1971 — 1980

	1971	1972	1973	1974	1975	1976	1977	1978	1979	1980
Newfoundland										
Number	3	5	4	3	2	4	4	3	2	1
Number Per 100,000	0.6	0.9	0.7	0.6	0.4	0.5	0.7	0.5	0.3	0.2
Nova Scotia										
Number	12	6	10	7	5	10	6	5	5	5
Number Per 100,000	1.5	0.8	1.2	0.9	0.6	1.2	0.7	0.6	0.6	0.6
New Brunswick										
Number	3	8	9	3	5	1	10	5	6	7
Number Per 100,000	0.5	1.2	1.4	0.5	0.7	0.1	1.5	0.7	0.9	1.0
Prince Edward Island										
Number	0	0	0	0	1	0	1	0	0	0
Number Per 100,000	0	0	0	0	0.9	0	0.8	0	0	0
Quebec										
Number	34	15	22	23	36	19	16	20	14	10
Number Per 100,000	0.6	0.2	0.4	0.4	0.6	0.3	0.3	0.3	0.2	0.2
Ontario										
Number	34	21	43	30	30	17	21	25	14	20
Number Per 100,000	0.4	0.3	0.5	0.4	0.2	0.2	0.3	0.3	0.2	0.2
Manitoba										
Number	7	6	7	11	6	9	10	8	7	8
Number Per 100,000	0.7	0.6	0.7	1.1	0.6	0.8	1.0	0.8	0.7	0.8
Saskatchewan										
Number	9	10	7	11	10	5	9	3	10	5
Number Per 100,000	1.0	1.1	0.7	1.2	1.1	0.5	1.0	0.3	1.0	0.5
Alberta										
Number	22	12	20	23	12	18	11	14	9	11
Number Per 100,000	1.4	0.7	1.2	1.3	0.6	1.0	0.6	0.7	0.4	0.5
British Columbia										
Number	17	17	6	8	4	5	11	5	5	6
Number Per 100,000	0.7	0.8	0.3	0.3	0.2	0.2	0.4	0.2	0.2	0.2
NATIONAL										
Number	164	104	131	122	113	89	100	93	72	75
Number Per 100,000	0.7	0.5	0.6	0.6	0.5	0.4	0.4	0.4	0.3	0.3

Note: National includes data from N.W.T. and Yukon

Source: Vital Statistics Section — Statistics Canada

Table A3.2

FATAL AND NON FATAL FIREARMS ACCIDENTS
TOTALS AND PER 100,000 POPULATION
BY SELECTED PROVINCES

	1971	1972	1973	1974	1975	1976	1977	1978	1979	1980
Nova Scotia										
Number	-	50	43	73	62	60	74	50	50	-
Number Per 100,000		6	5	9	8	7	9	6	6	
Quebec										
Number	-	-	-	127	113	151	122	129	-	-
Number Per 100,000				2	2	2	2	2		
Manitoba										
Number	-	-	-	115	122	117	117	155	81	75
Number Per 100,000				11	12	11	11	15	8	7
Saskatchewan										
Number	124	108	100	103	102	113	115	91	82	92
Number Per 100,000	13	12	11	11	11	12	12	10	9	9
Alberta										
Number	-	-	-	235	252	238	267	216	134	-
Number Per 100,000				13	14	13	14	11	7	
British Columbia										
Number	-	-	-	138	130	101	107	138	-	116
Number Per 100,000				6	5	4	4	6		4

Dashes indicate data not available

1979 and 1980 data collected on fiscal year basis (April 1, 1979 — March 31, 1981)

Source: Hospital Morbidity Section — Statistics Canada

Table A2.3

HUNTING ACCIDENTS
TOTALS AND PER 10,000 HUNTING LICENCES SOLD
BY SELECTED PROVINCES

	1950	1951	1952	1953	1954	1955	1956	1957	1958	1959	1970	1971	1972	1973	1974	1975	1976	1977	1978	1979	1980	1981
Nova Scotia																						
Accidents	20	28	12	27	8	20	24	14	25	16	18	18	13	12	12	8	26	20	22	26	15	12
Licences	6.5	5.1	4.4	4.8	5.3	7.7	7.6	8.2	8.0	8.8	8.6	8.6	9.3	11.1	12.5	11.2	10.7	13.1	12.7	12.3	11.6	11.5
(in 10,000's)																						
Accidents/Licences	3.1	5.5	2.5	5.6	1.5	2.6	3.7	1.7	3.1	1.8	2.1	2.0	1.4	1.1	1.0	0.4	2.4	1.5	1.7	1.6	1.3	1.0
New Brunswick																						
Accidents	-	-	-	-	-	-	16	9	29	10	11	11	7	11	3	7	14	13	17	11	13	9
Licences	-	-	-	-	-	-	7.8	7.8	7.7	8.0	8.3	8.6	8.7	10.2	10.6	10.5	12.1	12.5	13.0	13.4	13.4	13.6
(in 10,000's)																						
Accidents/Licences	-	-	-	-	-	-	2.1	1.2	3.1	1.3	1.3	1.3	0.8	1.1	0.3	0.7	1.2	1.0	1.3	0.8	1.0	0.7
Newfoundland																						
Accidents	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	16	13	6	10	12
Licences	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	14.4	13.6	13.9	11.8	10.5
(in 10,000's)																						
Accidents/Licences	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1.1	1.0	0.4	0.8	1.1
Ontario																						
Accidents	-	154	126	126	118	111	130	112	196	129	78	82	75	94	113	92	56	71	68	52	64	37
Licences	-	59.5	56.9	59.7	58.9	66.6	66.0	67.1	58.5	55.3	54.5	55.2	55.3	58.7	58.1	59.4	58.7	59.0	61.9	55.2	58.9	58.1
(in 10,000's)																						
Accidents/Licences	-	2.6	2.2	2.1	2.0	1.7	2.0	1.7	1.6	2.3	1.4	1.5	1.4	1.6	1.9	1.6	1.0	1.2	1.1	0.9	1.1	0.6
Saskatchewan																						
Accidents	71	46	32	30	37	38	52	48	49	50	58	44	27	43	37	37	33	30	21	28	20	25
Licences	13.1	11.8	11.8	12.2	13.1	12.4	13.8	14.9	16.6	15.4	16.4	16.9	15.5	16.8	13.2	16.5	15.8	15.8	16.6	16.1	16.9	16.4
(in 10,000's)																						
Accidents/Licences	5.4	3.9	2.7	2.5	2.8	3.1	3.8	3.2	2.9	3.3	3.5	2.6	1.7	2.9	2.8	2.5	2.1	1.9	1.3	1.5	1.2	1.5
British Columbia																						
Accidents	-	-	-	-	32	32	78	30	23	31	17	18	20	16	11	15	15	* 15	* 6	* 2	* 9	* 5
Licences	-	-	-	-	13.9	13.8	14.1	14.5	15.2	15.5	16.3	16.1	16.2	17.7	15.1	14.1	13.6	14.1	15.1	16.0	16.2	17.8
(in 10,000's)																						
Accidents/Licences	-	-	*	-	2.3	2.3	2.1	2.1	1.5	2.0	1.0	1.1	1.2	0.9	0.7	1.1	1.1	1.1	1.1	0.7	0.6	0.3

Dashes indicate data not available

*Data collected on fiscal year (April — March) rather than calendar year

Sources: Hunter/Firearm Safety Departments

Table A8.4

SUICIDES BY FIREARMS
TOTAL AND PER 100,000 POPULATION
BY PROVINCE AND NATIONAL 1971 — 1980

	1971	1972	1973	1974	1975	1976	1977	1978	1979	1980
Newfoundland										
Number	9	3	10	4	7	10	11	10	13	9
Number Per 100,000	2	1	2	1	1	2	2	2	2	2
Nova Scotia										
Number	39	48	42	36	50	42	47	55	45	49
Number Per 100,000	5	6	5	4	6	5	6	7	5	6
New Brunswick										
Number	25	23	34	37	31	42	50	58	46	56
Number Per 100,000	4	4	5	6	5	6	7	8	7	8
Prince Edward Island										
Number	4	2	4	4	7	12	9	6	4	6
Number Per 100,000	4	2	4	4	6	10	7	5	3	5
Quebec										
Number	180	206	221	224	187	248	262	303	310	322
Number Per 100,000	3	3	4	4	3	4	4	5	5	5
Ontario										
Number	322	291	273	311	361	332	416	362	272	259
Number Per 100,000	4	4	3	4	4	4	5	4	3	3
Manitoba										
Number	55	49	51	52	45	58	68	55	55	58
Number Per 100,000	6	5	5	5	4	6	7	5	5	5
Saskatchewan										
Number	43	82	51	49	67	52	73	88	72	68
Number Per 100,000	5	9	6	5	7	6	8	9	8	7
Alberta										
Number	93	103	104	132	126	121	154	158	113	139
Number Per 100,000	6	6	6	8	7	7	8	8	6	6
British Columbia										
Number	150	122	152	166	171	169	175	174	157	149
Number Per 100,000	7	5	7	7	7	7	7	7	6	6
NATIONAL										
Number	928	939	951	1,023	1,060	1,093	1,276	1,291	1,097	1,116
Number Per 100,000	4.3	4.3	4.3	4.5	4.6	4.7	5.4	5.4	4.6	4.7

Note: National includes data from N.W.T. and Yukon

Source: Vital Statistics Section — Statistics Canada

Table A2.5

SUICIDES BY FIREARMS, HANGING AND DRUGS
TOTALS AND PERCENTAGE OF TOTAL SUICIDES
NATIONAL 1971 — 1980

	1971	1972	1973	1974	1975	1976	1977	1978	1979	1980
Total Suicides	2,615	2,716	2,828	2,910	2,823	2,939	3,325	3,478	3,360	3,359
Total Suicides Per 100,000 Population	12.1	12.5	12.7	12.9	12.4	12.7	14.3	14.8	14.2	14.0
Suicides By Firearm										
Total	928	939	951	1,023	1,060	1,093	1,276	1,291	1,097	1,116
Percentage of Total Suicides	35.5	34.6	33.6	35.2	37.5	37.2	38.4	37.1	32.6	33.2
Suicides By Drugs										
Total	595	625	650	618	602	662	702	690	640	633
Percentage of Total Suicides	22.8	23.0	22.9	21.2	21.3	22.5	21.1	19.8	19.0	18.8
Suicides By Hanging										
Total	468	476	507	556	523	512	614	703	760	747
Percentage of Total Suicides	17.9	17.5	17.9	19.1	18.5	17.4	18.5	20.2	22.6	22.2

Source: Vital Statistics Section — Statistics Canada

Table A2.6

SUICIDES BY VARIOUS MEANS
FOUR CASE JURISDICTIONS

	1971	1972	1973	1974	1975	1976	1977	1978	1979	1980	1981
Vancouver											
Total Suicides	74	108	130	99	101	94	117	124	81	62	-
No. Per 100,000	17	26	31	24	24	23	28	30	20	15	-
Suicides By											
Firearms	18	21	28	26	25	18	16	19	15	11	-
No. Per 100,000	4	5	7	6	6	4	4	5	4	3	-
Percentage of Total	24.3	19.4	21.5	26.2	24.7	19.1	13.6	15.3	18.5	17.7	-
Drugs	22	36	44	31	27	30	34	39	20	15	-
No. Per 100,000	5	9	11	7	7	7	8	9	5	4	-
Percentage of Total	29.7	33.3	33.8	31.3	26.7	31.9	29.0	31.4	24.6	24.1	-
Hanging	8	14	18	19	19	21	21	28	16	20	-
No. Per 100,000	2	3	4	5	5	5	5	7	4	5	-
Percentage of Total	10.8	12.9	13.8	19.1	18.8	22.3	17.9	22.5	19.7	32.2	-
Calgary											
Total Suicides	49	49	53	76	89	76	90	89	82	98	-
No. Per 100,000	12	12	12	17	19	16	18	17	15	17	-
Suicides By											
Firearms	24	27	22	27	33	20	41	37	21	21	-
No. Per 100,000	6	6	5	6	7	4	8	7	4	4	-
Percentage of Total	48.9	55.1	41.5	35.5	37.0	26.3	45.5	41.5	25.6	21.4	-
Drugs	9	6	6	15	15	27	17	10	15	24	-
No. Per 100,000	2	1	1	3	3	6	3	2	3	4	-
Percentage of Total	18.3	12.2	11.3	19.7	16.8	35.5	18.8	11.2	18.2	24.4	-
Hanging	7	3	6	7	15	10	8	14	11	17	-
No. Per 100,000	2	1	1	2	3	2	2	3	2	3	-
Percentage of Total	14.2	6.1	11.3	9.2	16.8	13.1	8.8	15.7	13.4	17.3	-
Toronto											
Total Suicides	-	-	-	276	258	238	305	289	223	266	241
No. Per 100,000	-	-	-	13	12	11	14	14	10	12	11
Suicides By											
Firearms	-	-	-	46	53	51	52	54	34	29	30
No. Per 100,000	-	-	-	2	3	2	2	3	2	1	1
Percentage of Total	-	-	-	16.6	20.5	21.4	17.0	18.6	15.2	10.9	12.4
Drugs	-	-	-	69	58	63	95	62	47	67	53
No. Per 100,000	-	-	-	3	3	3	4	3	2	3	2
Percentage of Total	-	-	-	25.0	22.4	26.4	31.1	21.4	21.0	25.2	22.0
Hanging	-	-	-	56	58	45	61	58	42	54	57
No. Per 100,000	-	-	-	3	3	2	3	3	2	3	3
Percentage of Total	-	-	-	20.2	22.4	18.9	20.0	20.0	18.8	20.3	23.7
Ottawa											
Total Suicides	45	62	58	52	60	62	50	54	46	65	-
No. Per 100,000	15	20	19	17	20	20	17	18	15	22	-
Suicides By											
Firearms	9	15	12	12	13	17	18	16	2	11	-
No. Per 100,000	3	5	4	4	4	6	6	5	1	4	-
Percentage of Total	20.0	24.1	20.7	23.0	21.6	27.4	36.0	29.6	4.3	16.9	-
Drugs	14	18	16	17	22	26	16	19	21	29	-
No. Per 100,000	5	6	5	6	7	9	5	6	7	10.0	-
Percentage of Total	31.1	29.0	27.6	32.6	36.6	41.9	32.0	35.1	45.6	44.6	-
Hanging	9	12	8	9	8	9	7	11	7	9	-
No. Per 100,000	3	4	3	3	3	3	2	4	2	3	-
Percentage of Total	20.0	19.3	13.8	17.3	13.3	14.5	14.0	20.3	15.2	13.8	-

Dashes indicate data not available

Sources: Vital Statistics Section — Statistics Canada and Toronto Police Department Summary Statistics

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Figure A3.1

RELATIONSHIP BETWEEN CATEGORIES OF WEAPONS, CERTIFICATES AND PERMITS, AND ISSUING AUTHORITIES

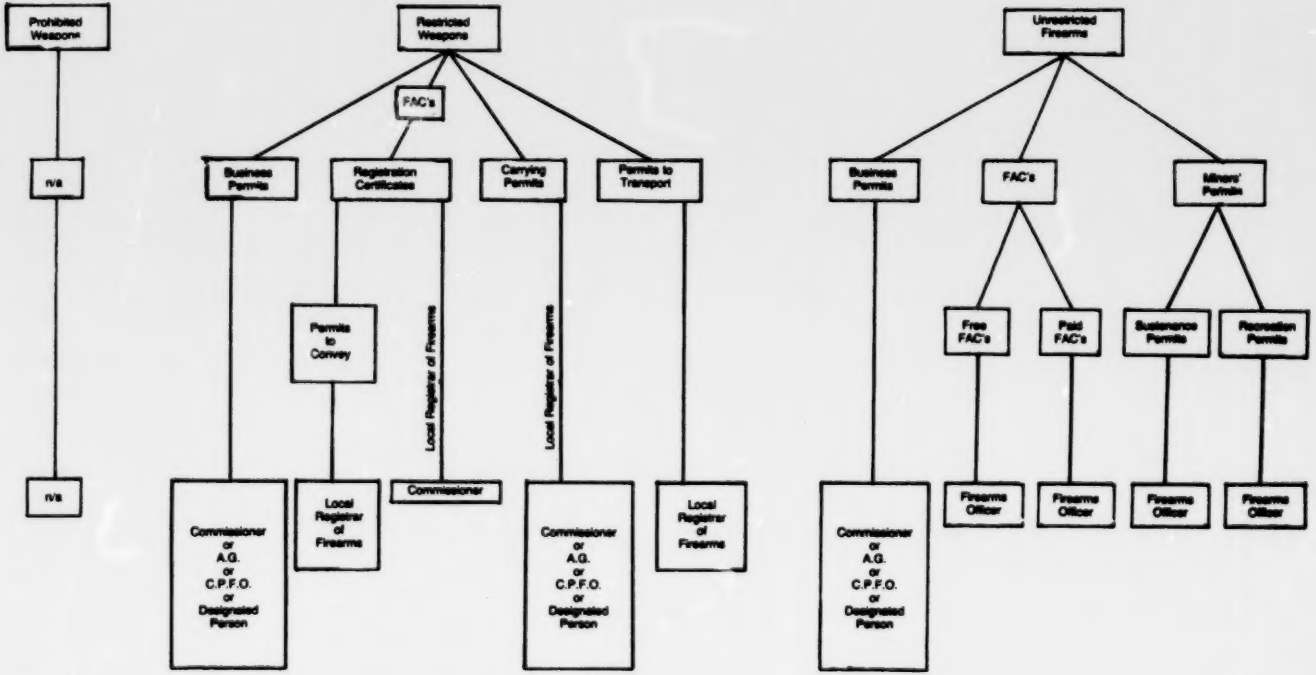

Figure A3.2

FIREARM CERTIFICATES AND PERMITS

	FAC's	Minors Permits	Registration Certificates	Permits to Convey	Permits to Carry	Permits to Transport
TYPE OF WEAPON	any firearm	unrestricted firearm	restricted weapon	restricted weapon	restricted weapon	restricted weapon
When Permit Required	to acquire any firearm	for person under 18 to possess an unrestricted firearm	to acquire a restricted weapon	to convey restricted weapon to local registrar	to possess a restricted weapon elsewhere than indicated on registration certificate	to transport a restricted weapon from one place to another
Requisites for issuing	— 18 or older — no prohibition — not convicted last 5 yrs of indictable violent offence — not treated last 5 yrs for mental disorder involving violence — no history last 5 yrs of violent behaviour — not undesirable in interests of safety	<u>sustenance permit</u> — under 18 — hunts/traps as way of life to sustain self or family — consent in writing of parent <u>recreational permit</u> — 12-18 — need for target practice, game hunting or instruction — consent in writing of parent	— 18 or older — has FAC — weapon has distinguishing serial number — weapon required to — protect life, or for profession — for target practice at approved club, or — for target practice generally or — weapon — part of collection of bona fide collector, or — deemed a relic	local registrar of firearms wished to examine weapon	— protect life, or — for profession, or — for target practice at approved club, or — for target practice generally	bona fide need to transport weapon from one place to another
Compulsory Conditions	none	conditions of supervision attached to recreational permit	weapon can only be kept at usual dwelling or place of business	none	none	none
Fee	$10 (unless required for sustenance purposes)	none	none	none	none	none

Cont'd.

Figure A3.2
(Cont'd.)

FIREARM CERTIFICATES AND PERMITS

	FAC's	Minors Permits	Registration Certificates	Permits to Convey	Permits to carry	Permits to Transport
Duration of Permit	5 years	valid until time expressed or minor turns 16, whichever occurs first	no limit	as specified	as specified	as specified
Issuer	Firearms Officer	Firearms Officer	Commissioner of R.C.M. Police	Local registrar of Firearms	one of Commissioner, A.G., C.P.F.O., or designated person	Local Registrar of Firearms
Discretion to refuse	no discretion to refuse if conditions met	discretion to refuse (not to be exercised arbitrarily)	no discretion to refuse if conditions met	discretion to determine not necessary	discretion to refuse (not to be exercised arbitrarily)	discretion to refuse (not to be exercised arbitrarily)
Jurisdictional Validity	throughout Canada	province in which issued	province in which issued unless specifically endorsed otherwise	province in which issued unless specifically endorsed otherwise	throughout Canada unless specified otherwise	province in which issued unless specifically endorsed otherwise
Routes of Appeal from Refusal	— reference to Magistrate — appeal from Magistrate to higher court	— appeal to Magistrate — appeal from Magistrate to higher court	— appeal to Magistrate — appeal from Magistrate to higher court	— appeal to Magistrate — appeal from Magistrate to higher court	no right of appeal	— appeal to Magistrate — appeal from Magistrate to higher court

Table A3.1

MINORS' PERMITS ISSUED
TOTAL AND PER 100,000 POPULATION
BY PROVINCE/TERRITORY 1979 — 1981

Province Territory	MINORS' PERMITS	
	Total	/10,000
Nfld.		
1979	3	0.1
1980	2	0.0
1981	0	0
N.S.		
1979	700	8.3
1980	665	7.8
1981	657	7.8
N.B.		
1979	3	0.0
1980	0	0
1981	0	0
P.E.I.		
1979	145	11.8
1980	92	7.4
1981	106	8.7
Quebec		
1979	203	0.3
1980	177	0.3
1981	134	0.2
Ontario		
1979	953	0.8
1980	1,917	2.2
1981	1,401	1.6
Manitoba		
1979	697	6.8
1980	118	1.1
1981	73	0.7
Sask.		
1979	1,317	13.7
1980	807	8.3
1981	626	6.5
Alta.		
1979	157	0.8
1980	133	0.6
1981	159	0.7
B.C.		
1979	12	0.0
1980	10	0.0
1981	0	0
Yukon		
1979	68	31.3
1980	50	23.4
1981	33	14.3
N.W.T.		
1979	18	4.1
1980	2	0.5
1981	2	0.4
NATIONAL		
1979	4,276	1.8
1980	3,973	1.7
1981	3,191	1.3

* Data for June — August, 1980 not available

Source: C.P.F.O. monthly reports

Table A3.2

FAC's ISSUED
TOTALS AND PER 10,000 POPULATION
BY PROVINCE/TERRITORY 1979 — 1981

Province/ Territory	REVENUE FAC's		FREE FAC's	
	Total	/10,000	Total	/10,000
Nfld.				
1979	6,521	114	288	5.0
1980	5,464	94	105	1.8
1981	4,462	79	77	1.4
N.S.				
1979	10,970	130	6	0.1
1980	8,671	102	8	0.1
1981	6,685	79	6	0.1
N.B.				
1979	9,240	132	12	0.2
1980	10,166	144	14	0.2
1981	7,998	115	13	0.2
P.E.I.				
1979	919	75	1	0.1
1980	713	57	0	0
1981	550	45	0	0
Quebec				
1979	50,435	80	2,010	3.2
1980	50,594	80	782	1.2
1981	35,978	56	416	0.6
Ontario				
1979	65,572	77	300	0.4
1980	49,934	58	209	0.2
1981	40,979	48	150	0.2
Manitoba				
1979	12,099	117	257	2.5
1980	10,438	101	243	2.4
1981	8,683	85	174	1.7
Sask.				
1979	17,345	181	375	3.9
1980	13,121	135	200	2.1
1981	10,828	112	148	1.5
Alta.				
1979	38,680	192	274	1.4
1980	31,030	149	127	0.6
1981	25,721	115	90	0.4
B.C.				
1979	30,631	119	77	0.3
1980	25,149	95	52	0.2
1981	22,236	81	47	0.2
Yukon				
1979	1,439	663	58	26.7
1980	1,010	472	45	21.0
1981	947	410	19	8.2
N.W.T.				
1979	1,480	341	2,291	527.9
1980	920	213	889	206.3
1981	799	175	546	119.5
NATIONAL				
1979	245,331	104	5,949	2.5
1980	207,210	87	2,674	1.1
1981	165,866	68	1,686	0.7

These figures exclude replacement FAC's

Source: C.P.F.O. monthly reports

Table A3.3

NUMBER OF FAC'S REFUSED BY PROVINCE/TERRITORY 1979 — 1981

Province/ Territory	Total Applied For	Refused, No Reference	Issued After Reference	Refusal Confirmed	Total Refused	Percentage Refused
Nfld.						
1979	6,818	9	0	0	9	0.13
1980	5,592	22	1	0	23	0.41
1981	4,546	6	1	0	7	0.15
N.S.						
1979	11,005	27	3	2	32	0.29
1980	8,713	22	11	1	34	0.39
1981	6,713	20	0	2	22	0.33
N.B.						
1979	9,266	12	7	2	21	0.23
1980	10,251	56	12	3	71	0.69
1981	8,127	100	11	5	116	1.42
P.E.I.						
1979	922	2	0	0	2	0.2
1980	713	0	0	0	0	0
1981	550	0	0	0	0	0
Quebec						
1979	52,583	129	1	2	132	0.25
1980	51,569	183	4	6	193	0.37
1981	36,551	148	3	6	157	0.43
Ontario						
1979	66,258	369	15	17	401	0.61
1980	50,540	376	7	14	397	0.79
1981	41,472	323	9	11	343	0.82
Manitoba						
1979	12,400	41	2	3	46	0.37
1980	10,758	75	0	2	77	0.72
1981	8,914	51	0	6	57	0.64
Sask.						
1979	17,763	40	1	3	44	0.25
1980	13,344	17	4	2	23	0.17
1981	11,007	29	1	1	31	0.28
Alta						
1979	39,129	173	6	2	181	0.46
1980	31,321	155	3	6	164	0.52
1981	25,996	169	6	10	185	0.71
B C						
1979	30,830	102	0	0	122	0.40
1980	25,321	119	0	1	120	0.47
1981	22,366	83	0	0	83	0.37
Yukon						
1979	1,500	3	0	0	3	0.20
1980	1,060	4	1	0	5	0.47
1981	971	4	0	1	5	0.51
N W T						
1979	3,775	4	0	0	4	0.11
1980	1,812	3	0	0	0	0.17
1981	1,345	0	0	0	0	0
NATIONAL						
1979	252,249	918	35	31	997	0.39
1980	210,994	1,032	43	35	1,107	0.52
1981	168,558	933	31	42	1,006	0.60

These figures exclude replacement FAC's

FAC's issued or refusals confirmed pursuant to a reference may relate to an application initiated in the previous year

Source: C.P.F.O. monthly reports

Table A3.4

NUMBER OF CERTIFICATES AND PERMITS ISSUED
VANCOUVER 1979 — 1981

	1979	1980	1981
FAC's			
Applied For	1,826	1,683	1,565
Granted	1,800	1,644	1,560
Refused	26	39	26
References	2	0	0
Registration Certificates			
Recommended	632	749	1,008
Carrying Permits			
Applied for	138	269	336
Refused	1	0	0
Permits to Transport and Convey			
Applied For	1,056	1,194	1,406
Refused	0	0	0

No minors' permits issued

Permits to transport and convey not differentiated

Source: Vancouver Firearms Section

Table A3.5

NUMBER OF CERTIFICATES AND PERMITS ISSUED
TORONTO 1979 — 1981

	1979	1980	1981
FAC's			
Applied For	9,768	7,615	6,477
Granted	9,326	7,602	5,516
Not Picked Up	1,656	973	958
Refused	1	13	3
References	1	0	0
Minors' Permits			
Applied For	44	19	17
Refused	0	0	0
Registration Certificates			
Recommended	3,642	1,779	2,173
Carrying Permits			
Applied For*	506	456	384
Granted (Including Renewals)	3,057	2,238	2,407
Refused	28	0	14
Permits to Transport and Convey			
Applied For	2,141	2,030	2,399
Refused	0	0	0

*Indicates first time applications

Source: Toronto Firearms Section

Table A3.6

NUMBER OF CERTIFICATES AND PERMITS ISSUED
OTTAWA 1979 — 1981

	1979	1980	1981
FAC's			
Applied For	1,909	1,378	1,131
Granted	1,542	1,156	889
Not Picked Up	107	230	188
Refused	15	22	9
References	0	2	1
Minors' Permits			
Applied For	10	11	5
Refused	0	0	0
Registration Certificates			
Recommended	286	444	334
Carrying Permits			
Applied For	536	670	517
Refused	1	0	0
Permits to Transport and Convey			
Applied For	357	358	349
Refused	0	0	1

Source: Ottawa Firearms Section

Table A3.7

NUMBER OF CERTIFICATES AND PERMITS ISSUED
CALGARY 1979 — 1981

	1979	1980	1981
FAC's			
Applied For	7,776	6,232	5,637
Granted	6,311	5,166	4,798
Not Picked Up	236	1,061	779
Refused	69	65	55
References	6	6	0
Minors' Permits			
Applied For	4	1	0
Refused	0	0	0
Registration Certificates			
Recommended	1,071	1,289	1,621
Carrying Permits			
Applied For	691	805	1,020
Refused	5	0	0
Permits to Transport and Convey			
Applied For	1,235	2,177	2,545
Refused	0	0	0

Source: Calgary Firearms Section

Table A3.8

REASONS FOR FAC REFUSALS
FOUR CASE JURISDICTIONS 1980 — 1981

	History of Mental Disorder	History of Violence	Record of Offences Involving Violence	Conviction of Criminal Code Firearm or Offensive Weapon Offence	Interests of Safety	Other e.g., Criminal Record	Other Reasons	Total *
Ontario								
1980	33	53	137	45	67	44	11	390
1981	15	77	101	26	51	41	23	334
New Brunswick								
1979	2	0	0	3	0	60	5	70
1980	1	0	1	0	0	44	3	49
1981	1	1	0	0	0	74	2	78
Toronto								
1980	3	3	3	2	1		1*	13
1981	0	0	0	2	1		0*	3
Ottawa								
1980	5	0	5	3	1		8*	22
1981	2	2	3	0	0		2*	9

*Unable to differentiate between "Other criminal record" and "Other"

Ontario figures differ from C.P.F.O. monthly report figures because of differences in local reporting

New Brunswick annual figures differ from C.P.F.O. monthly report numbers due to internal recording keeping methods

Sources: C.P.F.O. — Ontario and New Brunswick
Firearms Section-Toronto and Ottawa

Table A3.9

REGISTRATION CERTIFICATES ISSUED
NATIONAL 1977 — 1981

	1977		1978		1979		1980		1981	
	Total	/10,000	Total	/10,000	Total	/10,000	Total	/10,000	Total	/10,000
Restricted weapons Registered for First Time	40,275	17.3	18,974	8.1	30,422	12.8	7,772	3.2	14,479	5.9
Transfers of Previously Registered Restricted Weapons	46,226	19.9	53,515	22.8	80,784	34.1	87,092	36.4	35,408	14.5
TOTAL ISSUED	86,501	37.2	72,489	30.9	111,206	47.0	94,864	39.6	49,887	20.5

Sources: F.R.A.S. and the Annual Firearms Reports of Commissioner of the R.C.M. Police, 1978 — 1981

Table A3.10

FIREARM REGISTRATION CERTIFICATES RECOMMENDED BY PROVINCE/TERRITORY 1979 — 1981

Province/ Territory	Total Recommended		Protect Life		Occupation		Club Target Prac.		Target Pract.		Collector		Relic	
	Total	/10,000	Total	/10,000	Total	/10,000	Total	/10,000	Total	/10,000	Total	/10,000	Total	/10,000
Nfld.														
1979	140	2.4	1	0.0	1	0.0	31	0.5	6	0.1	45	0.8	56	1.0
1980	72	1.2	2	0.0	0	0	35	0.6	2	0.1	29	0.5	0	0
1981	94	1.7	5	0.0	3	0.1	61	1.1	2	0.0	20	0.4	3	0.1
N.S.														
1979	656	7.7	62	0.7	169	2.0	263	3.1	158	1.9	3	0.0	1	0.0
1980	769	9.0	30	0.4	168	2.0	447	5.2	116	1.4	8	0.1	0	0
1981	886	10.5	63	0.7	130	1.5	443	5.2	227	2.7	23	0.3	0	0
N.B.														
1979	-	-	-	-	-	-	-	-	-	-	-	-	-	-
1980	-	-	-	-	-	-	-	-	-	-	-	-	-	-
1981	-	-	-	-	-	-	-	-	-	-	-	-	-	-
P.E.I.														
1979	17	1.4	1	0.1	2	0.2	11	0.9	3	0.2	-	-	-	-
1980	21	1.7	0	0	2	0.2	11	0.9	8	0.6	-	-	-	-
1981	21	1.7	0	0	4	0.3	15	1.2	2	0.2	-	-	-	-
Quebec														
1979	4,852	7.7	2,263	3.6	1,061	1.7	968	1.5	0	0	140	0.2	420	0.7
1980	5,089	8.1	2,786	4.4	540	0.9	1,368	2.2	3	0	163	0.3	229	0.4
1981	5,331	8.3	3,243	5.0	337	0.5	1,426	2.2	1	0	151	0.2	173	0.3
Ont.														
1979	7,314 *	8.6	853	1.0	131	0.2	1,133	1.3	440	0.5	1,081	1.3	34	0.0
1980	6,041	7.0	1,522	1.8	364	0.4	2,043	2.4	634	0.7	1,421	1.7	57	0.1
1981	6,267	7.3	1,472	1.7	162	0.2	2,033	2.4	652	0.8	1,904	2.2	44	0.1
Man.														
1979	868	8.4	206	2.0	20	0.2	560	5.4	79	0.8	3	0.0	0	0
1980	985	9.6	84	0.8	19	0.2	808	7.8	74	0.7	-	-	-	-
1981	1,017	9.9	91	0.9	24	0.2	843	8.2	59	0.6	-	-	-	-
Sask.														
1979	1,149	12.0	23	0.2	38	0.4	893	9.3	195	2.0	-	-	-	-
1980	1,030	10.6	38	0.4	58	0.6	742	7.6	143	1.5	46	0.5	3	0.0
1981	1,599	16.5	47	0.5	50	0.5	1,148	11.9	270	2.8	82	0.8	2	0.0
Alta.														
1979	2,856	14.2	27	0.1	16	0.1	2,602	12.9	211	1.0	-	-	-	-
1980	2,734 **	13.1	76	0.4	9	0.0	2,462	11.8	187	0.9	-	-	-	-
1981	3,790	16.9	252	1.1	77	0.3	3,277	14.6	184	0.8	-	-	-	-

Table A3.10
(Cont'd.)

FIREARM REGISTRATION CERTIFICATES RECOMMENDED
BY PROVINCE/TERRITORY 1979 — 1981

Province/ Territory	Total Recommended		Protect Life		Occupation		Club Target Prac.		Target Pract.		Collector		Relic	
	Total	/10,000	Total	/10,000	Total	/10,000	Total	/10,000	Total	/10,000	Total	/10,000	Total	/10,000
B.C.														
1979	4,087	15.9	262	1.0	99	0.4	2,701	10.5	426	1.7	595	2.3	4	0.0
1980	5,182	19.6	230	0.9	243	0.9	3,708	14.0	568	2.2	469	1.8	0	0
1981	5,784	21.1	218	0.8	343	1.2	4,209	15.3	376	1.4	636	2.3	2	0.0
Yukon														
1979	131	60.4	12	5.5	14	6.5	102	47.0	3	1.4	-	-	-	-
1980	139	65.0	21	9.8	9	4.2	109	50.9	0	0	-	-	-	-
1981	158	68.4	13	5.6	3	1.3	135	58.4	7	3.0	-	-	-	-
N.W.T.														
1979	15	3.4	1	0.2	1	0.2	8	1.8	2	0.5	2	0.5	1	0.2
1980	64	14.8	2	0.5	4	0.9	27	6.3	0	0	31	7.2	0	0
1981	2	0.4	0	0	0	0	2	0.4	0	0	0	0	0	0
NATIONAL														
1979	22,085	9.3	3,711	1.6	1,552	0.7	9,272	3.9	1,523	0.6	1,869	0.8	516	0.2
1980	22,162	9.3	4,791	2.0	1,416	0.6	11,760	4.9	1,739	0.7	2,167	0.9	289	0.1
1981	24,949	10.2	5,404	2.2	1,133	0.5	13,592	5.6	1,780	0.7	2,816	1.2	224	0.1

Dashes indicate data not available

Excludes Hamilton, Ontario. Further Toronto's total not broken down by category. Consequently this figure is higher than the sum of the parts.

**Data for June — August, 1980 not available

Source: C.P.F.O. monthly reports

Table A3.11

CARRYING PERMITS ISSUED
TOTALS AND PER 10,000 POPULATION
BY PROVINCE/TERRITORY 1979 — 1981

Province/ Territory	Total Issued		Protect Life		Occupation		Club Target Prac.		Target Pract.	
	Total	/10,000	Total	/10,000	Total	/10,000	Total	/10,000	Total	/10,000
Nfld.										
1979	100	1.7	3	0.1	14	0.2	75	1.3	8	0.1
1980	84	1.4	9	0.2	17	0.3	49	0.8	9	0.2
1981	129	2.3	2	0.0	45	0.8	75	1.3	7	0.1
N.S.										
1979	391	4.6	4	0.0	50	0.6	332	3.9	5	0.1
1980	423	5.0	26	0.3	66	0.8	318	3.7	13	0.2
1981	476	5.6	50	0.6	71	0.8	339	4.0	16	0.2
N.B.										
1979	157	2.2	14	0.2	11	0.2	132	1.9	0	0
1980	253	3.6	8	0.1	38	0.5	206	2.9	1	0.0
1981	229	3.3	11	0.2	23	0.3	194	2.7	1	0.0
P.E.I.										
1979	11	0.9	0	0	0	0	11	0.9	0	0
1980	25	2.0	0	0	5	0.4	20	1.6	0	0
1981	28	2.3	0	0	5	0.4	23	1.9	0	0
Quebec										
1979	4,557	7.2	208	0.3	2,739	4.4	1,461	2.3	149	0.2
1980	4,436	7.0	83	0.1	2,149	3.4	2,075	3.3	129	0.2
1981	5,351	8.3	150	0.2	2,781	4.3	2,275	3.5	145	0.2
Ont.										
1979	9,733	11.4	18	0.0	2,073	2.4	7,423	8.7	219	0.3
1980	10,767	12.6	28	0.0	2,283	2.7	7,994	9.3	462	0.5
1981	9,354	10.8	70	0.1	1,757	2.0	7,131	8.3	396	0.5
Man.										
1979	916	8.9	176	1.7	72	0.7	561	5.4	107	1.0
1980	1,329	12.9	62	0.6	362	3.5	893	8.7	12	0.1
1981	1,371	13.4	72	0.7	250	2.4	1,033	10.1	16	0.1
Sask.										
1979	1,484	15.0	58	0.6	45	0.5	1,321	13.8	60	0.6
1980	1,242	12.8	48	0.5	31	0.3	1,132	11.7	31	0.3
1981	1,431	14.8	103	1.1	35	0.4	1,254	13.0	39	0.4
Alta.										
1979	3,099	15.4	164	0.8	135	0.7	2,716	13.5	84	0.4
1980	2,391	11.5	138	0.7	148	0.7	2,022	9.7	83	0.3
1981	3,618	16.2	156	0.7	372	1.7	3,069	13.7	21	0.1
B.C.										
1979	7,479	29.1	0	0	479	1.9	7,000	27.2	0	0
1980	8,000	30.3	0	0	560	2.1	7,440	28.2	0	0
1981	6,986	25.5	0	0	811	3.0	6,175	22.5	0	0
Yukon										
1979	178	82.0	3	1.4	124	57.1	51	23.5	0	0
1980	11	5.1	4	1.9	0	0	7	3.3	0	0
1981	13	5.6	0	0	5	2.2	8	3.5	0	0
N.W.T.										
1979	11	2.5	4	0.9	0	0	7	1.6	0	0
1980	26	6.0	13	3.0	6	1.4	7	1.6	0	0
1981	1	0.2	0	0	0	0	1	0.2	0	0
NATIONAL										
1979	28,116	11.9	652	0.3	5,742	2.4	21,090	8.9	632	0.3
1980	28,987	12.1	419	0.2	5,665	2.4	22,163	9.3	740	0.3
1981	28,987	11.9	614	0.3	6,155	2.5	21,577	8.9	641	0.3

*Data for June — August, 1980 not available

Sources: C.F.F.O. monthly reports and R.C.M. Police, "E" Division, British Columbia

Table A3.12

NUMBER OF CARRYING PERMITS REFUSED AND REVOKED BY PROVINCE/TERRITORY 1979 — 1981

Province/ Territory	Total Applied For	Total Refused	Total Revoked	Percentage Refused
Nfld.				
1979	100	0	0	0
1980	84	0	0	0
1981	129	0	0	0
N.S.				
1979	392	1	0	0.3
1980	422	0	0	0
1981	476	0	0	0
N.B.				
1979	158	1	0	0.6
1980	253	0	0	0
1981	229	0	0	0
P.E.I.				
1979	11	0	0	0
1980	25	0	0	0
1981	28	0	0	0
Quebec				
1979	4,984	427	0	8.6
1980	4,756	318	2	6.7
1981	5,483	120	4	2.7
Ont.				
1979	9,761	28	5	0.3
1980	10,767	0	0	0
1981	9,356	2	0	0.0
Man.				
1979	919	3	0	0.3
1980	1,330	1	0	0.1
1981	1,371	0	0	0
Sask.				
1979	1,486	2	1	0.1
1980	1,242	0	0	0
1981	1,526	0	0	07
Alta.				
1979	3,102	3	1	0.1
1980	2,392	1	0	0.0
1981	3,620	2	0	0.1
B.C.				
1979	-	-	-	-
1980	-	-	-	-
1981	-	-	-	-
Yukon				
1979	187	9	0	4.8
1980	12	1	0	8.3
1981	15	0	0	0
N.W.T.				
1979	11	0	0	0
1980	26	0	0	0
1981	1	0	0	0
NATIONAL				
1979	21,111	474	7	2.3
1980	21,309	321	2	1.5
1981	22,234	124	4	0.6

Dashes indicate data not available

Source: C.P.F.O. monthly reports

Table A3.13

PERCENTAGE DISTRIBUTION OF DISPOSITIONS OF SELECTED FIREARMS CHARGES NATIONAL 1979 — 1981

		No. of Charges	Not Convicted	Convicted; No Jail	Convicted; Jail	Other
Use of Firearm in Indictable Offence						
s.83	1979	599	22.9	4.2	54.3	18.7
	1980	886	28.6	3.0	55.5	12.9
	1981	960	25.3	2.1	55.8	16.8
Pointing Firearm						
s.84(1)	1979	620	23.2	39.4	19.4	18.1
	1980	756	23.1	35.7	19.0	22.1
	1981	758	26.4	38.1	14.8	20.7
Careless Use						
s.84(2)	1979	898	22.3	51.4	12.0	14.3
	1980	992	19.6	50.9	13.7	15.8
	1981	993	19.4	57.1	11.2	12.3
Possession of Weapon for Dangerous Purpose						
s.85	1979	460	42.0	19.1	18.0	20.9
	1980	631	38.8	18.5	18.5	24.1
	1981	702	39.2	17.9	19.5	23.4
Possession of Prohibited Weapon						
s.88(1)	1979	1,041	19.8	54.6	13.9	11.7
	1980	1,394	18.7	51.7	15.8	13.8
	1981	1,520	19.1	52.0	15.7	13.2
Possession of Restricted Weapon						
s.89(1)	1979	784	20.9	49.0	19.8	10.3
	1980	1,035	21.7	50.4	18.0	9.9
	1981	1,017	21.4	48.9	18.8	10.9
All Firearms Charges*	1979	4,735	23.8	40.5	20.9	14.8
	1980	6,205	23.7	38.7	22.2	15.4
	1981	6,544	23.8	39.1	21.8	15.3

Convicted; No jail means a conditional or absolute discharge, a fine or a suspended sentence. *Not convicted* includes acquittals and charges withdrawn. *Other* includes charges discontinued but not withdrawn.

*Aggregate of charges pursuant to ss.83 to 106.5(1) of the *Criminal Code*.
Source: F.P.S.

Table A3.14

PERCENTAGE DISTRIBUTION OF DISPOSITIONS OF SELECTED OFFENCES THREE CASE JURISDICTIONS 1979 — 1981

VANCOUVER

		No. of Charges	Not Convicted	Convicted No Jail	Convicted Jail	Pending, Unknown
Possession Weapon Dangerous Purpose s.85	1979	43	23.3	62.8	9.3	4.7
	1980	43	18.6	9.3	20.9	51.2
	1981	56	53.6	7.1	12.5	26.8
Possession of Restricted Weapon s.89(1)	1979	29	20.7	55.2	10.3	13.8
	1980	30	16.7	20.0	16.7	46.7
	1981	22	45.5	22.7	18.2	13.6
All Firearms Charges*	1979	121	22.3	52.1	12.4	13.2
	1980	144	18.1	17.4	14.6	50.0
	1981	163	42.3	13.5	17.8	26.4
Robbery	1979	27	3.7	33.3	55.6	7.4
	1980	51	23.5	3.9	54.9	17.6
	1981	156	17.3	0.0	64.7	17.9

OTTAWA

		No. of Charges	Not Convicted	Convicted No Jail	Convicted Jail	Pending, Unknown
Use of Firearm in Indictable Offence s.83	1979	28	39.3	3.6	42.9	14.3
	1980	21	42.9	9.5	33.3	14.3
	1981	35	31.4	0.0	31.4	37.1
Possession Weapon Dangerous Purpose s.85	1979	35	54.3	11.4	20.0	14.3
	1980	34	67.6	5.9	5.9	20.6
	1981	49	51.0	8.2	10.2	30.6
Possession of Prohibited Weapon s.88(1)	1979	23	65.2	4.3	13.0	17.4
	1980	11	72.7	18.2	9.1	0.0
	1981	32	46.9	9.4	0.0	21.9
Possession of Restricted Weapon s.89(1)	1979	18	38.9	38.9	0.0	22.2
	1980	12	66.6	16.7	8.3	8.3
	1981	17	52.9	5.9	0.0	41.2
All Firearms Charges*	1979	129	48.1	16.3	19.4	16.2
	1980	109	58.7	11.0	11.9	18.3
	1981	182	43.4	11.0	11.5	34.0
Robbery	1979	76	42.1	2.6	43.4	11.8
	1980	62	30.6	1.6	59.7	8.1
	1981	86	26.7	3.5	32.6	37.2

QUEBEC CITY

		No. of Charges	Not Convicted	Convicted No Jail	Convicted Jail	Pending, Unknown
All Firearms Charges*	1979	20	20.0	15.0	65.0	0.0
	1980	25	4.0	28.0	20.0	48.0
	1981	21	28.6	23.8	28.6	19.0
Robbery	1979	39	7.7	10.3	74.4	7.7
	1980	43	0.0	7.0	32.6	60.5
	1981	33	0.0	12.1	54.5	33.3

*Aggregate of charges pursuant to ss.83 to 108.5(1) of *Criminal Code*

Source: Police Occurrence Reports

Table A3.15

PERCENTAGE DISTRIBUTION OF JAIL TERMS AND AVERAGE JAIL TERMS IMPOSED ON CONVICTIONS OF SELECTED FIREARMS OFFENCES NATIONAL 1979 — 1981

		Number Convicted	No Jail	Less Than One Year	One Year to Two Years Less a Day	Two Years or More	Average Jail Terms (in Months)
Use of Firearm in Indictable Offence							
s.83	1979	350	7.1	4.0	78.6	10.3	14.6
	1980	519	5.2	3.9	84.2	6.7	13.6
	1981	556	3.6	3.2	84.4	8.8	13.9
Pointing Firearm							
s.84(1)	1979	364	67.0	28.3	3.3	1.4	5.6
	1980	414	65.2	30.0	3.6	1.2	5.8
	1981	401	72.1	23.9	2.7	1.2	5.2
Careless Use							
s.84(2)	1979	570	81.1	16.7	1.8	0.5	4.7
	1980	641	78.8	18.3	2.2	0.8	5.9
	1981	678	83.6	14.9	1.0	0.4	4.6
Possession of Weapon for Dangerous Purpose							
s.85	1979	171	52.0	35.1	10.5	2.3	7.9
	1980	234	51.3	34.6	7.7	6.4	9.4
	1981	263	47.9	35.4	11.8	4.9	8.3
Possession of Prohibited Weapon							
s.89(1)	1979	713	80.0	17.5	2.1	0.7	4.8
	1980	941	76.6	19.4	2.8	1.2	6.6
	1981	1,029	76.9	17.8	2.7	2.6	7.9
Possession of Restricted Weapon							
s.89(1)	1979	539	71.4	23.7	2.4	2.4	5.7
	1980	708	73.6	20.3	4.1	2.0	7.3
	1981	688	72.2	19.5	4.9	3.3	8.8
All Firearms Charges*							
	1979	2,558	74.1	21.9	2.8	1.2	5.4
	1980	3,263	72.9	22.0	3.5	1.7	6.8
	1981	3,433	74.0	20.3	3.5	2.2	7.1

*Aggregate of charges pursuant to ss.84 to 108.5(1) of *Criminal Code*

Section 83 convictions excluded due to distorting effect of minimum one year jail term

Average Jail Terms exclude sentences of less than one month

Source: F.P.S.

Table A3.16

PERCENTAGE DISTRIBUTION OF JAIL TERMS IMPOSED ON SELECTED OFFENCES THREE CASE JURISDICTIONS 1979 — 1981

VANCOUVER

	Number Convictions	No Jail	Less Than One Year	One Year to Two Years Less a Day	Two Years or More
All Firearms Charges*					
1979	75	81.3	18.7	0.0	0.0
1980	43	60.5	20.9	0.0	18.6
1981	41	53.7	41.5	4.9	0.0
Robbery					
1979	24	37.5	9.3	12.5	41.7
1980	30	3.3	16.7	13.3	63.3
1981	101	0.0	5.9	8.9	85.1

OTTAWA

All Firearms Charges*					
1979	33	60.6	18.2	15.2	6.1
1980	16	62.5	25.0	12.5	0.0
1981	30	70.0	20.0	3.3	6.7
Robbery					
1979	35	5.7	31.4	22.9	40.0
1980	38	2.6	34.2	23.7	39.5
1981	31	9.7	16.1	22.6	51.6

QUEBEC CITY

Robbery					
1979	32	12.5	18.8	40.6	28.1
1980	17	17.6	11.8	52.9	17.6
1981	23	17.4	4.3	34.8	43.5

*Aggregate of charges pursuant to ss.84 to 105.5(1) of the *Criminal Code*. Section 83 convictions excluded due to distorting effect of minimum one year jail term.

Source: Police Occurrence Reports

Table A3.17

COMPARISON OF SENTENCES FOR FIREARM ROBBERY CONVICTIONS WITH AND WITHOUT A s.83 CHARGE NATIONAL 1979 — 1981

	Number Convictions	Convicted No Jail (%)	Jail (%)	Unknown (%)	Average Jail Term* (months)
Robbery with s.83 charge					
1979	482	2.9	90.7	6.4	31.6
1980	761	3.1	90.8	6.0	30.2
1981	842	2.4	91.3	6.3	34.6
Robbery without s.83 charge					
1979	59	8.5	79.7	11.9	25.9
1980	56	1.8	85.7	12.5	33.3
1981	69	4.3	82.6	13.0	35.0

*Average computed on number of jail sentences, not number of convictions. Computation excludes terms of less than one month.

Source: F.P.S.

Table A3.10

PERCENTAGE DISTRIBUTION OF DISPOSITION OF CHARGES OF ROBBERY WITH AN OFFENSIVE WEAPON VANCOUVER 1976 — 1981

	No. of Charges	Acquitted Discharged or Withdrawn	Convicted: No Jail	Less Than One Year	1-2 Years Less a Day	2-5 Years Less a Day	Five or More	Pending, Unknown
Handgun, Long Gun, Machine or Sub Machine Gun and Air Pistol								
1976	79	15.2	1.3	2.5	12.7	25.3	39.2	3.8
1977	43	11.6	7.0	4.7	11.6	16.3	41.9	7.0
1978	30	26.7	13.3	10.0	6.7	26.7	16.7	0.0
1979	20	5.0	30.0	5.0	10.0	20.0	20.0	10.0
1980	32	21.9	0.0	6.3	12.5	6.3	21.9	31.3
1981	108	8.3	0.0	5.6	3.7	13.0	47.2	22.2
Other or Simulated Firearm								
1976	17	29.4	5.9	5.9	17.6	17.6	17.6	5.9
1977	25	16.0	8.0	0.0	12.0	44.0	0.0	0.0
1978	14	35.7	0.0	14.3	14.3	35.7	0.0	0.0
1979	7	0.0	42.9	14.3	14.3	28.6	0.0	0.0
1980	19	21.1	5.3	15.8	5.3	15.8	36.8	0.0
1981	36	38.9	0.0	0.0	2.8	5.6	41.7	11.1
Knife								
1976	37	37.8	2.7	8.1	5.4	18.9	24.3	2.7
1977	34	41.2	8.8	14.7	20.6	14.7	0.0	0.0
1978	41	53.7	12.2	9.8	9.8	14.6	0.0	0.0
1979	27	44.4	11.1	11.1	14.8	18.5	0.0	0.0
1980	68	35.3	2.9	10.3	5.9	16.2	11.8	17.6
1981	53	32.1	1.9	3.8	15.1	20.8	0.0	26.4
Other Weapon								
1976	10	60.0	0.0	10.0	20.0	10.0	0.0	0.0
1977	11	45.5	9.1	18.2	18.2	9.1	0.0	0.0
1978	15	26.7	6.7	6.7	6.7	53.3	0.0	0.0
1979	11	36.4	9.1	36.4	0.0	18.2	0.0	0.0
1980	22	59.1	0.0	9.1	22.7	4.5	0.0	4.5
1981	19	21.1	5.3	5.3	21.0	26.3	0.0	21.0
Unknown								
1976	0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1977	0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1978	0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1979	1	0.0	0.0	100.0	0.0	0.0	0.0	0.0
1980	0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1981	18	33.3	0.0	0.0	27.8	16.7	16.7	5.6

Source: Vancouver Police Department

Table A3.19

PERCENTAGE DISTRIBUTION OF DISPOSTIONS OF CURRENT FIREARM CHARGES FOR ACCUSED WITH AND WITHOUT PREVIOUS CRIMINAL RECORDS NATIONAL 1978 — 1981

		No. of Current Charges	Not Convicted	Convicted; No Jail	Convicted; Jail	Other
Previous Record						
	1978	1,835	20.4	27.6	37.7	14.2
	1979	4,530	21.3	25.3	39.2	14.2
	1980	6,843	22.5	24.5	39.9	13.1
	1981	7,215	22.0	22.9	41.1	14.0
No Previous Record						
	1978	1,282	21.7	46.6	18.6	13.2
	1979	3,216	23.3	42.4	22.2	12.1
	1980	3,559	21.3	42.4	23.9	12.4
	1981	3,952	21.4	43.4	23.5	11.6

Convicted; No Jail means a conditional or absolute discharge, a fine or a suspended sentence. *Not convicted* includes acquittals and charges withdrawn. *Other* includes charges discontinued but not withdrawn.

1978 data available only from July, 1978

Source: F.P.S.

Table A3.20

PERCENTAGE DISTRIBUTION OF JAIL TERMS IMPOSED ON CURRENT FIREARM CONVICTIONS OF ACCUSED WITH AND WITHOUT PREVIOUS FIREARM OFFENCE RECORD NATIONAL 1978 — 1981

		Number Convicted	No Jail	Less Than One Year	One Year To Two Years Less a Day	Two Years or More
Previous Firearm Record						
	1978	188	35.6	36.2	19.2	9.0
	1979	434	36.2	33.9	23.0	6.9
	1980	685	36.9	32.6	23.2	7.3
	1981	670	34.5	30.1	24.5	10.9
No Previous Firearm Record						
	1978	1,122	73.9	17.0	7.9	1.2
	1979	2,474	71.3	17.2	10.0	1.5
	1980	3,097	69.5	16.6	12.6	1.3
	1981	3,319	70.2	15.5	12.8	1.6

1978 data available only from July, 1978

Source: F.P.S.

Table A3.21

PERCENTAGE DISTRIBUTION OF JAIL TERM IMPOSED ON CURRENT FIREARM CONVICTIONS OF ACCUSED WITH AND WITHOUT PREVIOUS VIOLENT* RECORD NATIONAL 1978 — 1981

		Number Convicted	No Jail	Less Than One Year	One Year To Two Years Less a Day	Two Years or More
Previous Violent Record	1978					
	1979	407	45.0	33.7	15.2	6.1
	1980	877	39.8	33.5	20.9	5.8
	1981	1,360	40.0	31.7	22.9	5.3
		1,832	40.1	29.6	23.2	7.1
No Previous Violent Record	1978					
	1979					
	1980	902	78.9	13.5	7.0	0.6
	1981	2,301	77.4	13.7	8.1	0.8
		2,422	76.8	12.6	9.8	0.7
		2,557	77.7	11.4	10.0	0.9

*Violent offences include offences against persons and property, e.g., robbery, extortion, rape, break and enter

1978 data available only from July, 1978

Source: F.P.S.

Table A3.22

ACCUSED WITH A s.85 CONVICTION + INCURRING A PROHIBITION ORDER BY PROVINCE AND REGION 1979 — 1981

	Accused with s.85 Conviction	% Incurring Prohibition
B.C.		
1979	15	46.7
1980	25	16.0
1981	21	19.0
Prairie Provinces		
1979	33	12.1
1980	56	16.1
1981	60	20.0
Ontario		
1979	59	10.2
1980	95	12.6
1981	106	25.5
Quebec		
1979	204	9.3
1980	255	11.8
1981	300	13.7
Atlantic Provinces		
1979	7	0.0
1980	27	18.5
1981	14	14.3
NATIONAL		
1979	318	11.3
1980	462	13.2
1981	503	17.3

Source: F.P.S.

Table A3.23

ACCUSED WITH A FIREARMS CONVICTION INCURRING A PROHIBITION ORDER BY PROVINCE AND REGION 1978 — 1981

	Accused with Firearm Conviction	% Incurring Prohibition
B.C.		
1978	139	18.0
1979	230	19.1
1980	286	21.7
1981	282	20.2
Prairie Provinces		
1978	239	20.9
1979	558	19.0
1980	630	18.3
1981	638	18.7
Ontario		
1978	489	11.7
1979	1,028	13.0
1980	1,353	15.7
1981	1,444	12.3
Quebec		
1978	159	8.8
1979	373	11.8
1980	448	22.1
1981	529	15.1
Atlantic Provinces		
1978	98	26.5
1979	122	27.9
1980	170	44.7
1981	156	34.6
N.W.T. and Yukon		
1978	21	9.5
1979	30	30.0
1980	32	18.8
1981	42	21.4
NATIONAL		
1979	1,105	15.1
1980	2,341	15.8
1981	2,919	18.5
	3,091	16.0

*Firearms convictions means convictions pursuant to ss.84 to 108.6(1) of the *Criminal Code*. Section 83 convictions excluded

1978 data available only from July, 1978

Source: F.P.S.

Table A3.24

FIREARMS AND ROBBERY CONVICTIONS INCURRING PROHIBITION ORDERS THREE CASE JURISDICTIONS 1979 — 1981

VANCOUVER

	Convictions	% Incurring Prohibition
All Firearms Convictions		
1979	78	29.5
1980	47	38.3
1981	51	62.7
Robbery		
1976*	64	7.8
1977*	35	5.7
1978*	22	22.7
1979	24	16.7
1980	30	10.0
1981	101	11.9

OTTAWA

All Firearms Convictions		
1979	46	23.9
1980	25	32.0
1981	41	29.3
Robbery		
1979	35	14.3
1980	38	2.6
1981	31	3.2

QUEBEC CITY

Robbery		
1979	32	3.1
1980	17	17.6
1981	23	13.0

Firearms convictions refer to convictions pursuant to ss.84 to 106.5(1) of the Criminal Code.

*From Vancouver robbery data base

Sources: Police Occurrence Reports and Vancouver Police Department

Table A3.25

SELECTED CONVICTIONS RESULTING IN PROHIBITION ORDERS NATIONAL 1979 — 1981

		Accused Convicted	% Incurring Prohibition
Pointing Firearm s.84(1)			
	1979	345	28.1
	1980	394	33.8
	1981	378	30.2
Careless Use s.84(2)			
	1979	561	27.3
	1980	632	31.5
	1981	669	29.0
Possession of Weapon for Dangerous Purpose s.85			
	1979	1,280	14.6
	1980	1,929	14.9
	1981	1,921	15.6
Robbery			
	1979	370	11.9
	1980	538	10.4
	1981	609	16.1
Assault			
	1979	103	12.6
	1980	156	12.8
	1981	139	15.1

Source: F.P.S.

Table A3.26

NON-CONVICTION PROHIBITION ORDERS ISSUED FOUR CASE JURISDICTIONS 1979 — 1981

	Pre-emptive s.98(6)	FAC reference s.98(7)	Search and Seizure Hearing s.101(6)
Toronto			
1979	2	1	31
1980	0	0	40
1981	0	0	22
Ottawa			
1979	0	0	6
1980	1	1	0
1981	2	0	3
Calgary			
1979	4	1	4
1980	10	5	8
1981	2	1	21
Vancouver			
1979	18 *	0	–
1980	14	0	16 **
1981	0	2	7

Dash indicates data not available

*April 20, 1979 — December 31, 1979

**December 1, 1979 to December 31, 1980

Sources: Firearms Sections and Office of the Crown Attorney, Vancouver

APPENDIX 4

Page

Criminal Law Amendment Act, 1977 (Bill C-51) 143

25-26 ELIZABETH II

CHAPTER 53

An Act to amend the Criminal Code, the Customs Tariff, the Parole Act, the Penitentiary Act and the Prisons and Reformatories Act

[Assented to 5th August, 1977]

Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Short Title

Short title

1. This Act may be cited as the *Criminal Law Amendment Act, 1977*.

25-26 ELIZABETH II

CHAPITRE 53

Loi modifiant le Code criminel, le Tarif des douanes, la Loi sur la libération conditionnelle de détenus, la Loi sur les pénitenciers et la Loi sur les prisons et les maisons de correction

[Sanctionnée le 5 août 1977]

Sa Majesté, sur l'avis et du consentement du Sénat et de la Chambre des communes du Canada, décrète:

Titre abrégé

Titre abrégé

1. La présente loi peut être citée sous le titre *Loi de 1977 modifiant le droit pénal*.

R.S., cc C-34, C-35

PART I

CRIMINAL CODE

2. The *Criminal Code* is amended by adding thereto, immediately after section 2 thereof, the following section:

Descriptive cross references

"**2.1** Where, in any provision of this Act, a reference to another provision of this Act or a provision of any other Act is followed by words in parenthesis that are or purport to be descriptive of the subject-matter of the provision referred to, the words in parenthesis form no part of the provision in which they occur but shall be deemed to have been inserted for convenience of reference only."

1972, c. 17; 1974-75-76, cc. 19, 48

3. The heading preceding section 82 and sections 82 to 106 of the said Act are repealed and the following substituted therefor:

PARTIE I

CODE CRIMINEL

S.R., cc. C-34, C-35

2. Le *Code criminel* est modifié par l'insertion, immédiatement après l'article 2, de l'article suivant:

Renvois descriptifs

«**2.1** Dans la présente loi, les mots entre parenthèses qui, dans un but purement descriptif d'une matière donnée, suivent un renvoi à une autre disposition de la présente loi ou de toute autre loi, ne font pas partie de la disposition où ils apparaissent et sont réputés y avoir été insérés pour la seule commodité de la consultation.»

1972, c. 17; 1974-75-76, cc. 19, 48

3. Les articles 82 à 106 de ladite loi et la rubrique qui les précède sont abrogés et remplacés par ce qui suit:

"PART II.1

FIREARMS AND OTHER OFFENSIVE WEAPONS

Interpretation

Definitions

82. (1) For the purposes of this Part,

"antique firearm" *«armes à feu historiques»*

"antique firearm" means any firearm manufactured before 1898 that was not designed to use rimfire or centre-fire ammunition and that has not been redesigned to use such ammunition or, if so designed or redesigned, is capable only of using rimfire or centre-fire ammunition that is no longer commercially manufactured;

"chief provincial firearms officer" *«chef...»*

"chief provincial firearms officer" means a person who has been designated in writing by the Attorney General of a province as the chief provincial firearms officer for that province;

"Commissioner" *«commissaire»*

"Commissioner" means the Commissioner of the Royal Canadian Mounted Police;

"firearm" *«arme à feu»*

"firearm" means any barrelled weapon from which any shot, bullet or other missile can be discharged and that is capable of causing serious bodily injury or death to a person, and includes any

«PARTIE II.1

ARMES À FEU ET AUTRES ARMES OFFENSIVES

Interprétation

Définitions

82. (1) Dans la présente Partie,

«arme à autorisation restreinte» *"restricted..."*

«arme à autorisation restreinte» désigne

a) toute arme à feu qui n'est pas une arme prohibée, destinée, de par sa construction ou ses modifications, à permettre de viser et de tirer à l'aide d'une seule main,

b) toute arme à feu qui

(i) n'est pas une arme prohibée, est munie d'un canon de moins de dix-huit pouces et demi de longueur et peut tirer des munitions à percussion centrale d'une manière semi-automatique, ou

(ii) est conçue ou adaptée pour tirer lorsqu'elle est réduite à une longueur de moins de vingt-six pouces par repliement, emboîtement ou autrement, ou

c) toute arme à feu destinée, de par sa construction ou ses modifications, à permettre de tirer rapidement plusieurs balles pendant la durée d'une

frame or receiver of such a barrelled weapon and anything that can be adapted for use as a firearm;

"firearms acquisition certificate" *«autorisation...»*

"firearms acquisition certificate" means a firearms acquisition certificate issued by a firearms officer under section 104 or a hunting licence, certificate, permit or other document issued under the authority of a law of a province that, by virtue of an order issued under section 105, is deemed to be a firearms acquisition certificate;

"firearms officer" *«préposé...»*

"firearms officer" means any person who has been designated in writing as a firearms officer by the Commissioner or the Attorney General of a province or who is a member of a class of persons that has been so designated;

"local registrar of firearms" *«registraire...»*

"local registrar of firearms" means any person who has been designated in writing as a local registrar of firearms by the Commissioner or the Attorney General of a province or who is a member of a class of police officers or police constables that has been so designated;

"permit" *«permis»*

"permit" means a permit issued under section 106.2;

"prohibited weapon" *«arme prohibée»*

"prohibited weapon" means

(*a*) any device or contrivance

pression sur la détente et qui, lors de l'entrée en vigueur du présent alinéa, était enregistrée comme arme à autorisation restreinte et faisait partie de la collection, au Canada, d'un véritable collectionneur d'armes à feu, ou

d) n'importe quelle arme qui n'est ni une arme prohibée, ni un fusil ni une carabine d'un genre qui, de l'avis du gouverneur en conseil, peut raisonnablement être utilisé au Canada pour la chasse ou le sport et qui est, par décret du gouverneur en conseil, déclarée arme à autorisation restreinte;

«arme à feu» désigne toute arme, y compris une carcasse ou chambre d'une telle arme ainsi que toute chose pouvant être adapté pour être utilisé comme tel, susceptible, grâce à un canon qui permet de tirer du plomb, des balles ou tout autre projectile, d'infliger des lésions corporelles graves ou la mort à une personne; «arme à feu» *"firearm"*

«arme prohibée» désigne «arme prohibée» *"prohibited..."*

a) tout appareil ou dispositif propre ou destiné à amortir ou à étouffer le son ou la détonation d'une arme à feu,

b) tout couteau dont la lame s'ouvre automatiquement par gravité ou force

designed or intended to muffle or stop the sound or report of a firearm,

(*b*) any knife that has a blade that opens automatically by gravity or centrifugal force or by hand pressure applied to a button, spring or other device in or attached to the handle of the knife,

(*c*) any firearm, not being a restricted weapon described in paragraph (*c*) of the definition of that expression in this section, that is capable of firing bullets in rapid succession during one pressure of the trigger,

(*d*) any firearm adapted from a rifle or shotgun, whether by sawing, cutting or other alteration or modification, that, as so adapted, has a barrel that is less than eighteen inches in length or that is less than twenty-six inches in overall length, or

(*e*) a weapon of any kind, not being an antique firearm or a firearm of a kind commonly used in Canada for hunting or sporting purposes, that is declared by order of the Governor in Council to be a prohibited weapon;

"registration certificate" means a restricted weapon registration certificate issued under section 106.1;

"registration certificate"
«certificat...»

centrifuge ou par pression manuelle sur un bouton, un ressort ou autre dispositif incorporé ou attaché au manche,

c) toute arme à feu, autre qu'une arme à autorisation restreinte décrite à l'alinéa *c*) de la définition de cette expression au présent article, pouvant tirer rapidement plusieurs balles pendant la durée d'une pression sur la détente,

d) toute arme à feu sciée, coupée ou modifiée de façon à ce que la longueur du canon soit inférieure à dix-huit pouces ou de façon à ce que la longueur totale de l'arme soit inférieure à vingt-six pouces, ou

e) n'importe quelle arme qui n'est ni une arme à feu historique, ni une arme à feu d'un genre utilisé habituellement au Canada pour la chasse ou le sport et qui est, par décret du gouverneur en conseil, déclarée arme prohibée;

«armes à feu historiques» s'entend des armes à feu fabriquées avant 1898 et qui n'ont pas été conçues ni modifiées pour employer des munitions à percussion annulaire ou centrale ou si elles ont été ainsi conçues ou modifiées, qui ne peu-

«armes à feu historiques»
"antique..."

"regulations" *«règlements»*

"regulations" means regulations made by the Governor in Council pursuant to section 106.8;

"restricted weapon" *«arme à autorisation restreinte»*

"restricted weapon" means

(*a*) any firearm, not being a prohibited weapon, designed, altered or intended to be aimed and fired by the action of one hand,

(*b*) any firearm that

(i) is not a prohibited weapon, has a barrel that is less than eighteen and one-half inches in length and is capable of discharging centre-fire ammunition in a semi-automatic manner, or

(ii) is designed or adapted to be fired when reduced to a length of less than twenty-six inches by folding, telescoping or otherwise, or

(*c*) any firearm that is designed, altered or intended to fire bullets in rapid succession during one pressure of the trigger and that, on the day on which this paragraph comes into force, was registered as a restricted weapon and formed part of a gun collection in Canada of a *bona fide* gun collector, or

vent utiliser que des munitions à percussion annulaire ou centrale qui ne sont plus fabriquées d'une façon commerciale;

«autorisation d'acquisition d'armes à feu» *"firearms acquisition certificate"*

«autorisation d'acquisition d'armes à feu» désigne l'autorisation que délivrent les préposés aux armes à feu en vertu de l'article 104 de même que les permis de chasse, certificats, licences et autres formes d'autorisation écrites dont la délivrance est régie par le droit provincial et qui, en vertu d'un décret pris en application de l'article 105, sont réputées être des autorisations d'acquisition d'armes à feu;

«certificat d'enregistrement» *"registration..."*

«certificat d'enregistrement» désigne le certificat d'enregistrement d'arme à autorisation restreinte délivré en vertu de l'article 106.1;

«chef provincial des préposés aux armes à feu» *"chief..."*

«chef provincial des préposés aux armes à feu» s'entend d'une personne que le procureur général d'une province nomme par écrit, en cette qualité pour la province;

«commissaire» *"Commissioner"*

«commissaire» désigne le commissaire de la Gendarmerie royale du Canada;

«permis» *"permit"*

«permis» désigne le permis délivré en vertu de l'article 106.2;

(*d*) a weapon of any kind, not being a prohibited weapon or a shotgun or rifle of a kind that, in the opinion of the Governor in Council, is reasonable for use in Canada for hunting or sporting purposes, that is declared by order of the Governor in Council to be a restricted weapon.

«préposé aux armes à feu» désigne toute personne qui a été nommée par écrit en cette qualité par le commissaire ou le procureur général d'une province ou qui fait partie d'une catégorie de personnes ainsi désignée;

«préposé aux armes à feu» "*firearms officer*"

«registraire local d'armes à feu» désigne toute personne qui a été nommée par écrit en cette qualité par le commissaire ou le procureur général d'une province ou qui fait partie d'une catégorie d'officiers ou d'agents de police ainsi désignée;

«registraire local d'armes à feu» "*local...*"

«règlements» désigne les règlements que le gouverneur en conseil établit en vertu de l'article 106.8.

«règlements» "*regulations*"

Certain weapons deemed not to be firearms

(2) Notwithstanding the definition "firearm" in subsection (1), for the purposes of the definitions "prohibited weapon" and "restricted weapon" in that subsection and for the purpose of section 91, subsections 95(1) and (3) and sections 100, 102, 103 and 106.8, the following weapons shall be deemed not to be firearms, namely,

(*a*) an antique firearm unless,

(i) but for this subsection, it would be a restricted weapon, and

(ii) the person in possession thereof intends to discharge it;

(2) Nonobstant la définition d'«arme à feu» au paragraphe (1), aux fins des définitions d'«arme prohibée» et d'«arme à autorisation restreinte» dudit paragraphe et aux fins de l'article 91, des paragraphes 95(1) et (3) et des articles 100, 102, 103 et 106.8, sont réputées ne pas être des armes à feu, les armes suivantes:

Armes réputées ne pas être des armes à feu

a) les armes à feu historiques sauf les suivantes:

(i) celles qui, n'était le présent paragraphe, seraient des armes à autorisation restreinte,

(ii) celles que leur possesseur a l'intention de décharger;

(*b*) any device designed, and intended by the person in possession thereof, for use exclusively for

(i) signalling, notifying of distress or firing stud cartridges, explosive-driven rivets or similar industrial ammunition, or

(ii) firing blank cartridges; and

(*c*) any shooting device designed, and intended by the person in possession thereof, for use exclusively for

(i) slaughtering of domestic animals,

(ii) tranquilizing animals, or

(iii) discharging projectiles with lines attached thereto; and

(*d*) any other barrelled weapon where it is proved that such weapon is not designed or adapted to discharge a shot, bullet or other missile at a muzzle velocity exceeding five hundred feet per second or to discharge a shot, bullet or other missile that is designed or adapted to attain a velocity exceeding five hundred feet per second.

b) tout instrument conçu et dont l'utilisateur entend se servir uniquement comme suit

(i) pour signaler que l'on est en détresse ou pour appeler au secours, pour tirer des cartouches d'ancrage, des rivets explosifs ou d'autres munitions industrielles semblables,

(ii) pour tirer des cartouches à blanc;

c) tout instrument de tir conçu et dont l'utilisateur entend se servir uniquement comme suit:

(i) pour abattre des animaux domestiques,

(ii) pour inoculer des tranquillisants à des animaux,

(iii) pour tirer des projectiles auxquels des fils sont attachés; et

d) toute autre arme pourvue d'un canon dont il est démontré qu'elle n'est ni conçue ni adaptée pour tirer du plomb, des balles ou quelque autre projectile à une vitesse initiale de plus de cinq cents pieds à la seconde ni pour tirer du plomb, des balles ou quelque autre projectile conçus ou adaptés pour atteindre une telle vitesse.

Designated officer or constable

(3) A police officer or police constable designated in writing by the Commissioner or the Attorney General of a province for the purposes of this subsection or who is a member of a class of police officers or police constables that has been so designated may perform such functions and duties of a local registrar of firearms under subsections 106.1(1) to (6) and subsections 106.2(3) and (4) as are specified in the designation.

Officier ou agent de police désigné

(3) L'officier ou agent de police nommé par écrit par le commissaire ou le procureur général d'une province aux fins du présent paragraphe, ou l'officier ou agent de police d'une catégorie désignée ainsi, peut exercer les fonctions d'un registraire local d'armes à feu, prévues aux paragraphes 106.1(1) à (6) et 106.2(3) et (4), qu'indique la nomination ou la désignation.

Offences Related to the Use of Firearms and other Offensive Weapons

Infractions relatives à l'emploi des armes à feu et autres armes offensives

Use of firearm during commission of offence, etc.

83. (1) Every one who uses a firearm

(*a*) while committing or attempting to commit an indictable offence, or

(*b*) during his flight after committing or attempting to commit an indictable offence,

whether or not he causes or means to cause bodily harm to any person as a result thereof, is guilty of an indictable offence and is liable to imprisonment

(*c*) in the case of a first offence under this subsection, except as provided in paragraph (*d*), for not more than fourteen years and not less than one year; and

Usage d'une arme à feu lors de la perpétration d'une infraction, etc.

83. (1) Quiconque utilise une arme à feu

a) lors de la perpétration ou de la tentative de perpétration d'un acte criminel, ou

b) lors de sa fuite après avoir commis ou tenté de commettre un acte criminel,

qu'il cause ou non des lésions corporelles en conséquence ou qu'il ait ou non l'intention d'en causer, est coupable d'un acte criminel et passible d'un emprisonnement

c) d'au plus quatorze ans et d'au moins un an, dans le cas d'une première infraction au présent paragraphe, sauf dans les cas où l'alinéa *d*) s'applique; et

(*d*) in the case of a second or subsequent offence under this subsection, or in the case of a first such offence committed by a person who, prior to the coming into force of this subsection, was convicted of an indictable offence or an attempt to commit an indictable offence, in the course of which or during his flight after the commission or attempted commission of which he used a firearm, for not more than fourteen years and not less than three years.

d) d'au plus quatorze ans et d'au moins trois ans, dans le cas d'une infraction au présent paragraphe subséquente à une première infraction ou dans le cas d'une première infraction au présent paragraphe commise par une personne qui, avant l'entrée en vigueur du présent paragraphe, avait déjà été trouvée coupable d'avoir commis un acte criminel, ou d'avoir tenté de le commettre, en employant une arme à feu lors de cette perpétration ou tentative de perpétration ou lors de sa fuite après la perpétration ou tentative de perpétration.

Sentences to be served consecutively

(2) A sentence imposed on a person for an offence under subsection (1) shall be served consecutively to any other punishment imposed on him for an offence arising out of the same event or series of events and to any other sentence to which he is subject at the time the sentence is imposed on him for an offence under subsection (1).

Peines consécutives

(2) La sentence imposée à une personne pour une infraction prévue au paragraphe (1) doit être purgée consécutivement à toute autre peine imposée pour une autre infraction basée sur les mêmes faits et à toute autre sentence qu'elle purge à ce moment-là.

Pointing a firearm

84. (1) Every one who, without lawful excuse, points a firearm at another person, whether the firearm is loaded or unloaded,

(*a*) is guilty of an indictable offence and is liable to imprisonment for five years; or

Braquer une arme à feu

84. (1) Est coupable

a) d'un acte criminel et passible d'un emprisonnement de cinq ans, ou

b) d'une infraction punissable sur déclaration sommaire de culpabilité,

quiconque braque, sans excuse légitime,

(*b*) is guilty of an offence punishable on summary conviction.

une arme à feu, chargée ou non, sur une autre personne.

Careless use, etc., of firearm

(2) Every one who, without lawful excuse, uses, carries, handles, ships or stores any firearm or ammunition in a careless manner or without reasonable precautions for the safety of other persons

(*a*) is guilty of an indictable offence and is liable to imprisonment

(i) in the case of a first offence, for two years, and

(ii) in the case of a second or subsequent offence, for five years; or

(*b*) is guilty of an offence punishable on summary conviction.

(2) Est coupable

a) d'un acte criminel et passible d'un emprisonnement

(i) de deux ans, dans le cas d'une première infraction, et

(ii) de cinq ans, dans le cas d'une infraction subséquente, ou

b) d'une infraction punissable sur déclaration sommaire de culpabilité,

quiconque, sans excuse légitime, utilise, porte, manipule, expédie ou entrepose une arme à feu ou des munitions d'une manière négligente ou sans prendre suffisamment de précautions à l'égard de la sécurité d'autrui.

Usage négligent, etc., d'une arme à feu

Offences Related to Possession of Firearms and other Offensive Weapons

Infractions relatives à la possession d'armes à feu et autres armes offensives

Possession of weapon or imitation

85. Every one who carries or has in his possession a weapon or imitation thereof, for a purpose dangerous to the public peace or for the purpose of committing an offence, is guilty of an indictable offence and is liable to imprisonment for ten years.

85. Est coupable d'un acte criminel et passible d'un emprisonnement de dix ans, quiconque porte ou a en sa possession une arme ou une imitation d'arme, dans un dessein dangereux pour la paix publique ou en vue de commettre une infraction.

Port d'arme ou d'imitation d'arme

While attending public meeting

86. Every one who, without lawful excuse, has a weapon in his possession

86. Est coupable d'une infraction punissable sur déclaration sommaire de culpabi-

Port d'arme à une assemblée publique

while he is attending or is on his way to attend a public meeting is guilty of an offence punishable on summary conviction.

lité, quiconque, sans excuse légitime a en sa possession une arme alors qu'il assiste ou se rend à une assemblée publique.

Carrying concealed weapon

87. Every one who carries a weapon concealed, unless he is the holder of a permit under which he may lawfully so carry it,

(*a*) is guilty of an indictable offence and is liable to imprisonment for five years; or

(*b*) is guilty of an offence punishable on summary conviction.

Port d'une arme dissimulée

87. Est coupable

a) d'un acte criminel et passible d'un emprisonnement de cinq ans, ou

b) d'une infraction punissable sur déclaration sommaire de culpabilité,

quiconque porte une arme dissimulée, à moins qu'il ne soit titulaire d'un permis en vertu duquel il peut légalement la porter.

Possession of prohibited weapon

88. (1) Every one who has in his possession a prohibited weapon

(*a*) is guilty of an indictable offence and is liable to imprisonment for five years; or

(*b*) is guilty of an offence punishable on summary conviction.

Possession d'une arme prohibée

88. (1) Est coupable

a) d'un acte criminel et passible d'un emprisonnement de cinq ans, ou

b) d'une infraction punissable sur déclaration sommaire de culpabilité,

quiconque a en sa possession une arme prohibée.

Prohibited weapon in motor vehicle

(2) Every one who is an occupant of a motor vehicle in which he knows there is a prohibited weapon

(*a*) is guilty of an indictable offence and is liable to imprisonment for five years; or

(*b*) is guilty of an offence punishable on summary conviction.

Arme prohibée dans un véhicule

(2) Est coupable

a) d'un acte criminel et passible d'un emprisonnement de cinq ans, ou

b) d'une infraction punissable sur déclaration sommaire de culpabilité,

quiconque occupe un véhicule automobile qu'il sait renfermer une arme prohibée.

Saving provision

(3) Subsection (1) does not apply to a person who comes into possession of a prohibited weapon by operation of law and thereafter, with reasonable despatch, lawfully disposes thereof.

Idem

(4) Subsection (2) does not apply to an occupant of a motor vehicle in which there is a prohibited weapon where, by virtue of subsection (3) or section 90, subsection (1) does not apply to the person who is in possession of that weapon.

Possession of unregistered restricted weapon

89. (1) Every one who has in his possession a restricted weapon for which he does not have a registration certificate

(*a*) is guilty of an indictable offence and is liable to imprisonment for five years; or

(*b*) is guilty of an offence punishable on summary conviction.

Possession elsewhere than at place authorized

(2) Every one who has in his possession a restricted weapon elsewhere than at the place at which he is entitled to possess it, as indicated on the registration certificate issued therefor, is, unless he is the holder of a permit under which he may lawfully so possess it,

(*a*) guilty of an indictable offence and

Réserve

(3) Le paragraphe (1) ne s'applique pas à une personne qui vient à posséder de par la loi une arme prohibée et qui s'en défait légalement avec diligence raisonnable.

Idem

(4) Le paragraphe (2) ne s'applique pas à l'occupant d'un véhicule automobile où se trouve une arme prohibée, lorsque, en vertu du paragraphe (3) ou de l'article 90, le paragraphe (1) ne s'applique pas au possesseur de l'arme.

Possession d'une arme à autorisation restreinte non enregistrée

89. (1) Est coupable

a) d'un acte criminel et passible d'un emprisonnement de cinq ans, ou

b) d'une infraction punissable sur déclaration sommaire de culpabilité,

quiconque a en sa possession une arme à autorisation restreinte pour laquelle il ne détient par de certificat d'enregistrement.

Possession ailleurs qu'à l'endroit autorisé

(2) Est coupable

a) d'un acte criminel et passible d'un emprisonnement de cinq ans, ou

b) d'une infraction punissable sur déclaration sommaire de culpabilité,

quiconque a en sa possession une arme à autorisation restreinte ailleurs qu'à l'endroit où il est autorisé à la posséder, tel

is liable to imprisonment for five years; or

(*b*) guilty of an offence punishable on summary conviction.

qu'indiqué au certificat d'enregistrement délivré pour celle-ci, à moins qu'il ne soit titulaire d'un permis en vertu duquel il peut ainsi légalement l'avoir en sa possession.

Restricted weapon in motor vehicle

(3) Every one who is an occupant of a motor vehicle in which he knows there is a restricted weapon is, unless some occupant of the motor vehicle is the holder of a permit under which he may lawfully have that weapon in his possession in such vehicle, or he establishes that he had reason to believe that some occupant of the motor vehicle was the holder of such permit,

(*a*) guilty of an indictable offence and is liable to imprisonment for five years; or

(*b*) guilty of an offence punishable on summary conviction.

Arme à autorisation restreinte dans un véhicule automobile

(3) Est coupable

a) d'un acte criminel et passible d'un emprisonnement de cinq ans, ou

b) d'une infraction punissable sur déclaration sommaire de culpabilité,

quiconque occupe un véhicule automobile qu'il sait renfermer une arme à autorisation restreinte, à moins qu'un occupant du véhicule automobile ne soit titulaire d'un permis en vertu duquel il peut légalement avoir cette arme en sa possession dans ce véhicule ou qu'il n'établisse qu'il avait de bonnes raisons de croire qu'un occupant du véhicule était titulaire d'un tel permis.

Saving provision

(4) Subsection (1) does not apply to a person

(*a*) to whom a permit relating to a restricted weapon has been issued under subsection 106.2(3) or (4) and who has such weapon in his possession for the purpose for which that permit was issued;

Réserve

(4) Le paragraphe (1) ne s'applique pas aux personnes suivantes:

a) le titulaire d'un permis d'arme à autorisation restreinte délivré en vertu des paragraphes 106.2(3) ou (4) qui a cette arme en sa possession aux fins pour lesquelles le permis a été délivré;

b) le possesseur d'une arme à autorisa-

(*b*) who has a restricted weapon in his possession while he is under the immediate supervision of a person who may lawfully possess the weapon for the purpose of using the weapon in a manner in which the supervising person may lawfully use it; or

(*c*) who comes into possession of a restricted weapon by operation of law and thereafter, with reasonable despatch, lawfully disposes thereof or obtains a registration certificate or permit under which he may lawfully possess it.

Idem

(5) Subsection (3) does not apply to an occupant of a motor vehicle in which there is a restricted weapon where, by virtue of subsection (4) or section 90, subsections (1) and (2) do not apply to the person who is in possession of that weapon.

Idem

(6) Subject to sections 98 and 101, subsection 103(4) and to a condition of a probation order referred to in paragraph 663(2)(*d*), nothing in this Act makes it unlawful for a person to be in possession of a restricted weapon in the ordinary course of a business described in subsection 103(1) or subparagraph 103(2)(*b*)(ii).

tion restreinte assujetti à la surveillance immédiate d'une personne pouvant légalement avoir l'arme en sa possession, qui se sert de l'arme de la manière dont le surveillant peut lui-même légalement s'en servir; ou

c) celui qui vient à posséder une arme à autorisation restreinte de par la loi et qui s'en défait légalement avec diligence raisonnable ou obtient un certificat d'enregistrement ou un permis en vertu duquel il peut légalement l'avoir en sa possession.

Idem

(5) Le paragraphe (3) ne s'applique pas à l'occupant d'un véhicule automobile à l'intérieur duquel il y a une arme à autorisation restreinte si, en vertu du paragraphe (4) ou de l'article 90, les paragraphes (1) et (2) ne s'appliquent pas au possesseur de l'arme.

Idem

(6) Sous réserve des articles 98 et 101, du paragraphe 103(4) et d'une condition d'une ordonnance de probation mentionnée à l'alinéa 663(2)*d*), aucune disposition de la présente loi ne rend illicite la possession d'une arme à autorisation restreinte dans le cours ordinaire d'une entreprise décrite au paragraphe 103(1) ou au sous-alinéa 103(2)*b*)(ii).

Members of forces, peace officers, etc.

90. (1) Notwithstanding anything in this Act,

(*a*) a member of the Canadian Forces or of the armed forces of a state other than Canada that are lawfully present in Canada,

(*b*) a peace officer or public officer of a class from time to time prescribed by the regulations for the purposes of this Part,

(*c*) an officer under the *Immigration Act*, the *Customs Act* or the *Excise Act*; or

(*d*) a person who, under the authority of the Canadian Armed Forces or a police force that includes peace officers or public officers of a class referred to in paragraph (*b*), imports, manufactures, repairs, alters, modifies or sells weapons for or on behalf of the Canadian Armed Forces or such a police force,

is not guilty of an offence under this Act by reason only that, in the case of a person described in any of paragraphs (*a*) to (*c*), he has in his possession a restricted or prohibited weapon for the purpose of his duties or employment and, in the case of a person described in paragraph (*d*), he has in his possession a restricted or prohibited

Membres des forces armées, agents de la paix, etc.

90. (1) Par dérogation à la présente loi,

a) les membres des Forces canadiennes ou des forces armées d'un État étranger stationnées légalement au Canada,

b) les agents de la paix ou les fonctionnaires publics d'une catégorie prévue par les règlements d'application de la présente Partie,

c) les fonctionnaires relevant de la *Loi sur l'immigration*, de la *Loi sur les douanes* ou de la *Loi sur l'accise*; ou

d) les personnes qui, sous les ordres des Forces armées canadiennes ou d'une force policière incluant des agents de la paix ou des fonctionnaires publics d'une catégorie visée à l'alinéa *b*), importent, fabriquent, réparent, modifient ou vendent des armes pour le compte de ces forces armées ou policières,

ne sont pas coupables d'une infraction à la présente loi du seul fait qu'ils ont en leur possession une arme prohibée ou une arme à autorisation restreinte, pour les fins de leurs fonctions ou emploi, dans le cas des personnes visées aux alinéas *a*) à *c*), ou, dans le cas de celles visées à l'alinéa *d*), dans le cours ordinaire de leur entreprise exercée pour le compte des forces armées ou policières visées à cet alinéa.

weapon in the course of his business on behalf of the Canadian Armed Forces or a police force referred to in that paragraph.

Museums

(2) Notwithstanding anything in this Act, no operator of or person employed in a museum approved for the purposes of this Part by the Commissioner or the Attorney General of the province in which it is situated is guilty of an offence under this Act by reason only that he has in his possession a restricted or prohibited weapon for the purpose of exhibiting that weapon or of storing, repairing, restoring, maintaining or transporting that weapon for the purpose of exhibiting it.

Musées

(2) Par dérogation à la présente loi, ni le conservateur, ni aucun employé d'un musée approuvé aux fins de la présente Partie par le commissaire ou le procureur général de la provision où le musée est situé n'est coupable d'une infraction à la présente loi du seul fait qu'il a en sa possession une arme à autorisation restreinte ou une arme prohibée pour fins d'exposition ou pour entreposage, réparation, restauration, conservation ou transport à des fins d'exposition.

Offences Related to Sale, Delivery or Acquisition of Firearms and other Offensive Weapons

Infractions relatives à la vente, à la livraison ou à l'acquisition d'armes à feu ou d'autres armes offensives

Transfer of firearm to person under 16

91. (1) Every one who gives, lends, transfers or delivers any firearm to a person under the age of sixteen years who is not the holder of a permit under which he may lawfully possess the firearm

(*a*) is guilty of an indictable offence and is liable to imprisonment for two years; or

(*b*) is guilty of an offence punishable on summary conviction.

Cession d'armes à feu à des personnes âgées de moins de seize ans

91. (1) Est coupable

a) d'un acte criminel et passible d'un emprisonnement de deux ans, ou

b) d'une infraction punissable sur déclaration sommaire de culpabilité,

quiconque donne, prête, cède ou livre une arme à feu à une personne âgée de moins de seize ans qui n'est pas titulaire d'un permis en autorisant la possession légale.

Saving provision

(2) Subsection (1) does not apply to a person lawfully in possession of a firearm who permits a person under the age of sixteen years to use the firearm under his immediate supervision in the same manner in which he may lawfully use it.

Wrongful delivery of firearms, etc.

92. Every one who sells, barters, gives, lends, transfers or delivers any firearm or other offensive weapon or any ammunition or explosive substance to a person who he knows or has good reason to believe is of unsound mind, is impaired by alcohol or drugs, or is a person who is prohibited by an order made pursuant to section 98 or 101 or by a condition of a probation order referred to in paragraph 663(2)(*d*) from possessing the firearm or other offensive weapon, ammunition or explosive substance so sold, bartered, given, loaned, transferred or delivered,

(*a*) is guilty of an indictable offence and is liable to imprisonment for five years; or

(*b*) is guilty of an offence punishable on summary conviction.

Réserve

(2) Le paragraphe (1) ne s'applique pas à une personne en possession légale d'une arme à feu qui permet à une autre personne âgée de moins de seize ans de s'en servir sous sa surveillance immédiate de la manière dont elle peut elle-même légalement s'en servir.

Livraison illégale d'arme à feu, etc

92. Est coupable

a) d'un acte criminel et passible d'un emprisonnement de cinq ans, ou

b) d'une infraction punissable sur déclaration sommaire de culpabilité,

quiconque vend, échange, donne, prête, cède ou livre une arme à feu, ou quelque autre arme offensive, des munitions ou une substance explosive alors qu'il sait ou a de bonnes raisons de croire que celui qui les reçoit n'est pas sain d'esprit, que les facultés de ce dernier sont affaiblies par l'alcool ou la drogue ou encore, qu'il est présentement sous le coup d'une ordonnance rendue conformément aux articles 98 ou 101, ou d'une ordonnance de probation visée à l'alinéa 663(2)*d*), qui lui interdit dans le premier cas, ou dont les modalités lui interdisent dans le second, de les avoir en sa possession.

Importing or delivering prohibited weapon

93. Every one who imports, buys, sells, barters, gives, lends, transfers or delivers a prohibited weapon or any component or part designed exclusively for use in the manufacture or assembly of a prohibited weapon

(*a*) is guilty of an indictable offence and is liable to imprisonment for five years; or

(*b*) is guilty of an offence punishable on summary conviction.

Delivery of restricted weapon to person without permit

94. (1) Every one who sells, barters, gives, lends, transfers or delivers any restricted weapon to a person who is not the holder of a permit authorizing him to possess that weapon,

(*a*) is guilty of an indictable offence and is liable to imprisonment for five years; or

(*b*) is guilty of an offence punishable on summary conviction.

Saving provision

(2) Subsection (1) does not apply to a person lawfully in possession of a restricted weapon who permits a person who is not the holder of a permit authorizing him to possess that weapon to use the weapon under his immediate supervision in the same manner in which he may lawfully use it.

Importation ou livraison d'armes prohibées

93. Est coupable

a) d'un acte criminel et passible d'un emprisonnement de cinq ans, ou

b) d'une infraction punissable sur déclaration sommaire de culpabilité,

quiconque importe, achète, vend, échange, donne, prête, cède ou livre une arme prohibée ou tout élément ou pièce conçu exclusivement pour être utilisé dans la fabrication ou l'assemblage d'une telle arme.

Livraison d'une arme à autorisation restreinte à une personne qui n'a pas de permis

94. (1) Est coupable

a) d'un acte criminel et passible d'un emprisonnement de cinq ans, ou

b) d'une infraction punissable sur déclaration sommaire de culpabilité,

quiconque vend, échange, donne, prête, cède ou livre une arme à autorisation restreinte à une personne qui n'est pas titulaire d'un permis l'autorisant à avoir cette arme en sa possession.

Réserve

(2) Le paragraphe (1) ne s'applique pas à une personne en possession légale d'une arme à autorisation restreinte qui permet à une personne qui n'est pas titulaire d'un permis l'autorisant à avoir l'arme en sa possession, de s'en servir sous sa surveillance immédiate de la façon dont elle peut elle-même légalement s'en servir.

Importation

(3) Every one who imports any restricted weapon when he is not the holder of a permit authorizing him to possess that weapon

(*a*) is guilty of an indictable offence and is liable to imprisonment for five years; or

(*b*) is guilty of an offence punishable on summary conviction.

(3) Est coupable

a) d'un acte criminel et passible d'un emprisonnement de cinq ans, ou

b) d'une infraction punissable sur déclaration sommaire de culpabilité,

quiconque importe une arme à autorisation restreinte sans être titulaire d'un permis l'autorisant à la posséder.

Importation

Delivery of firearm to person without firearms acquisition certificate

95. (1) Every one who sells, barters, gives, lends, transfers or delivers any firearm to a person who does not, at the time of such sale, barter, giving, lending, transfer or delivery or, in the case of a mail-order sale, within a reasonable time prior thereto, produce a firearms acquisition certificate for inspection by the person selling, bartering, giving, lending, transferring or delivering the firearm, that that person has no reason to believe is invalid or was issued to a person other than the person so producing it,

(*a*) is guilty of an indictable offence and is liable to imprisonment for two years; or

(*b*) is guilty of an offence punishable on summary conviction.

95. (1) Est coupable

a) d'un acte criminel et passible d'un emprisonnement de deux ans, ou

b) d'une infraction punissable sur déclaration sommaire de culpabilité,

quiconque vend, échange, donne, prête, cède ou livre une arme à feu sans que celui qui la reçoit ne lui présente, pour examen au moment de la transaction ou, au préalable, dans un délai raisonnable, dans le cas d'une vente postale, une autorisation d'acquisition d'armes à feu qu'il n'a aucune raison de croire invalide ni délivrée à une autre personne que celle qui la lui présente.

Livraison d'armes à feu à une personne qui n'a pas d'autorisation d'acquisition d'armes à feu

Saving provision

(2) Subsection (1) does not apply to a person

(*a*) lawfully in possession of a firearm who lends the firearm

(i) to a person for use by that person in his company and under his guidance or supervision in the same manner in which he may lawfully use it, or

(ii) to a person who requires the firearm to hunt or trap in order to sustain himself or his family,

(iii) to a person who is the holder of a permit under which he may lawfully possess the firearm; or

(*b*) who returns a firearm to a person who lent it to him in circumstances described in paragraph (*a*).

Acquisition of firearm without firearms acquisition certificate

(3) Every one who imports or otherwise acquires possession in any manner whatever of a firearm while he is not the holder of a firearms acquisition certificate

(*a*) is guilty of an indictable offence and is liable to imprisonment for two years, or

(*b*) is guilty of an offence punishable on summary conviction.

Réserve

(2) Le paragraphe (1) ne s'applique pas aux personnes suivantes:

a) à celui qui, en possession légale d'une arme à feu, la prête

(i) pour que l'emprunteur s'en serve en sa compagnie et sous sa surveillance de la manière dont il peut lui-même s'en servir légalement, ou

(ii) parce que l'emprunteur a besoin de l'arme pour chasser ou trapper afin de subvenir à ses besoins ou à ceux de sa famille, ou

(iii) à une personne titulaire d'un permis en autorisant la possession légale; ou

b) à l'emprunteur qui rend l'arme prêtée dans les circonstances décrites à l'alinéa *a*).

Acquisition d'armes à feu sans autorisation

(3) Est coupable

a) d'un acte criminel et passible d'un emprisonnement de deux ans, ou

b) d'une infraction punissable sur déclaration sommaire de culpabilité,

quiconque importe ou obtient de quelque autre façon la possession d'une arme à feu sans être titulaire d'une autorisation d'acquisition d'armes à feu.

Saving provision

(4) Subsection (3) does not apply to a person who

(*a*) acquires a firearm in circumstances such that, by virtue of subsection (2), subsection (1) does not apply to the person from whom he acquires the firearm;

(*b*) reacquires a firearm from a person to whom he lent the firearm;

(*c*) imports a firearm at a time when he is not a resident of Canada;

(*d*) comes into possession of a firearm by operation of law and thereafter, with reasonable despatch, lawfully disposes thereof or obtains a firearms acquisition certificate under which he could have lawfully acquired the firearm; or

(*e*) comes into possession of a firearm in the ordinary course of a business described in subsection 103(1) or (2).

Members of forces, peace officers, etc.

96. (1) Notwithstanding sections 93 to 95,

(*a*) a member of the Canadian Forces or of the armed forces of a state other than Canada that are lawfully present in Canada,

(*b*) a peace officer or public officer of a class from time to time prescribed by

Réserve

(4) Le paragraphe (3) ne s'applique pas aux personnes suivantes:

a) à l'emprunteur d'une arme à feu dans les cas où, vu le paragraphe (2), le paragraphe (1) n'est pas applicable au prêteur;

b) au prêteur auquel l'emprunteur remet l'arme à feu prêtée;

c) à celui qui importe une arme à feu alors qu'il n'est pas résident du Canada;

d) à celui qui de par la loi vient à posséder une arme à feu et qui s'en départit légalement ou obtient, avec diligence raisonnable, une autorisation d'acquisition d'armes à feu qui aurait permis de l'acquérir; ou

e) à celui qui vient à posséder une arme à feu dans le cours ordinaire des affaires d'une entreprise décrite aux paragraphes 103(1) ou (2).

Membres des forces armées, agents de la paix, etc.

96. (1) Par dérogation aux articles 93 à 95,

a) les membres des Forces canadiennes ou des forces armées d'un État étranger légalement stationnées au Canada,

b) les agents de la paix ou fonctionnaires publics d'une catégorie prescrite par les règlements aux fins de la présente

the regulations for the purposes of this Part, or

(*c*) an operator of or a person employed in a museum approved for the purposes of this Part by the Commissioner or the Attorney General of the province in which it is situated,

is not guilty of an offence under this Act by reason only that he imports or otherwise acquires possession in any manner whatever of any weapon or component or part of a weapon in the course of his duties or employment.

Importation, etc., on behalf of armed forces and police forces

(2) Notwithstanding sections 93 to 95, a person who, under the authority of the Canadian Armed Forces or a police force that includes peace officers or public officers of a class referred to in paragraph (1)(*b*), imports, manufactures, repairs, alters, modifies or sells weapons for or on behalf of the Canadian Armed Forces or such a police force, is not guilty of an offence under this Act by reason only that he so imports or manufactures weapons or that he sells, barters, gives, lends, transfers or delivers weapons to the Canadian Armed Forces or such a police force.

Partie, ou

c) le conservateur ou les employés d'un musée approuvé aux fins de la présente Partie par le Commissaire ou le procureur général de la province où le musée est situé,

ne sont pas coupables d'une infraction à la présente loi du seul fait qu'ils importent ou obtiennent de quelque autre manière, possession d'une arme, d'un de ses éléments ou d'une de ses pièces en raison de leurs fonctions ou emploi.

Importations d'armes au profit des forces armées ou policières, etc.

(2) Par dérogation aux articles 93 à 95, les personnes qui, sous les ordres des Forces armées canadiennes ou d'une force policière composée d'agents de la paix ou de fonctionnaires publics de l'une des catégories visées à l'alinéa (1)*b*), importent, fabriquent, réparent, modifient ou vendent des armes au profit de ces forces armées ou policières, ne sont pas coupables d'une infraction à la présente loi du seul fait qu'elles importent ou fabriquent ces armes ni du fait qu'elles les vendent, les échangent, les donnent, les prêtent, les cèdent ou les livrent auxdites forces armées ou policières.

Importation etc., on behalf of museums

(3) Notwithstanding sections 93 to 95, a person who, under the supervision of an operator of or a person employed in a museum approved for the purposes of this Part by the Commissioner or the Attorney General of the province in which it is situated, imports, buys, repairs, restores or maintains weapons for or on behalf of the museum is not guilty of an offence under this Act by reason only that he so imports, repairs, restores or maintains weapons or that he sells, barters, gives, lends, transfers or delivers weapons to the museum.

Exception

97. Notwithstanding sections 94 and 95, a person is not guilty of an offence under this Act by reason only that he transfers or delivers

(*a*) any restricted weapon to a person who carries on a business described in subparagraph 103(2)(*b*)(ii), or

(*b*) any firearm, other than a restricted weapon, to a person who carries on a business described in subsection 103(1) or subparagraph 103(2)(*b*)(ii)

for use in the course of such a business.

Importation, etc., pour le compte des musées

(3) Par dérogation aux articles 93 à 95, ceux qui, sous la surveillance du conservateur ou des employés d'un musée approuvé aux fins de la présente Partie par le commissaire ou le gouverneur général de la province où le musée est situé, importent, achètent, réparent, restaurent ou conservent des armes pour le compte du musée ne sont pas coupables d'une infraction à la présente loi de ce seul fait ni du fait qu'ils les vendent, les échangent, les donnent, les prêtent, les cèdent ou les livrent au musée.

Exception

97. Par dérogation aux articles 94 et 95, une personne n'est pas coupable d'une infraction à la présente loi du seul fait qu'elle cède ou livre

a) une arme à autorisation restreinte à l'exploitant d'une entreprise visée au sous-alinéa 103(2)*b*)(ii) ou

b) une arme à feu, autre qu'une arme à autorisation restreinte, à l'exploitant d'une entreprise visée au paragraphe 103(1) ou au sous-alinéa 103(2)*b*)(ii)

aux fins d'une telle entreprise.

Mandatory order prohibiting possession

98. (1) Where a person is convicted of an indictable offence in the commission of which violence against a person is used, threatened or attempted and for which the offender may be sentenced to imprisonment for ten years or more or of an offence under section 83, the court shall, in addition to any other punishment that may be imposed for that offence, make an order prohibiting him from having in his possession any firearm or any ammunition or explosive substance for any period of time specified in the order that commences on the day the order is made and expires not earlier than

(*a*) in the case of a first conviction for such an offence, five years, and

(*b*) in any other case, ten years,

after the time of his release from imprisonment after conviction for the offence.

Possession interdite par ordonnance

98. (1) Le tribunal qui déclare coupable l'auteur d'un acte criminel commis avec emploi, tentative ou menace d'emploi de violences contre la personne et punissable d'une peine d'emprisonnement d'au moins dix ans, de même que celui qui déclare coupable l'auteur d'une infraction à l'article 83, doit, en sus de toute autre peine pouvant être imposée pour l'infraction, rendre une ordonnance interdisant à son auteur d'avoir en sa possession une arme à feu, des munitions ou une substance explosive pour une période, devant être indiquée dans l'ordonnance, courant à compter de l'époque où elle est rendue et expirant au plus tôt

a) dans le cas d'une première infraction, cinq ans, et

b) dans tous les autres cas, dix ans,

après sa libération de l'emprisonnement consécutif à cette déclaration de culpabilité.

Order of prohibition after conviction

(2) Where a person is convicted of an offence involving the use, carriage, possession, handling, shipping or storage of any firearm or ammunition or an offence, other than an offence referred to in sub-

Ordonnance d'interdiction après déclaration de culpabilité

(2) Le tribunal ou, selon le cas, le juge, le juge de paix ou le magistrat, qui déclarent coupable l'auteur d'une infraction impliquant usage, port, possession, maniement, expédition ou entreposage d'une

section (1), in the commission of which violence against a person was used, threatened or attempted, the court, judge, justice or magistrate, as the case may be, may, in addition to any other punishment that may be imposed for that offence, make an order prohibiting him from having in his possession any firearm or any ammunition or explosive substance for any period of time specified in the order that commences on the day the order is made and expires not later than five years after the time of his release from imprisonment after conviction for the offence or, if he is not then imprisoned or subject to imprisonment, after the time of his conviction for that offence.

arme à feu ou de munitions ou l'auteur d'une infraction autre que celles visées au paragraphe (1), commise avec emploi, tentative ou menace d'emploi de violences contre la personne, peuvent, en sus de toute autre peine pouvant être imposée pour cette infraction, rendre une ordonnance lui interdisant d'avoir en sa possession une arme à feu, des munitions ou des substances explosives pour une période devant être indiquée dans l'ordonnance, courant à compter de l'époque où elle est rendue et expirant au plus tard cinq ans après sa libération de l'emprisonnement consécutif à cette déclaration de culpabilité ou, s'il n'est pas emprisonné ou s'il n'est pas passible d'emprisonnement, après la déclaration de culpabilité.

Definition of "release from imprisonment"

(3) For the purposes of subsections (1) and (2), "release from imprisonment" means release from confinement by reason of expiration of sentence, commencement of mandatory supervision or grant of parole other than day parole.

Définition de «libération de l'emprisonnement»

(3) Aux fins des paragraphes (1) et (2), «libération de l'emprisonnement» signifie un élargissement accordé parce que la peine a été purgée, parce qu'entre en vigueur la surveillance obligatoire ou parce qu'est accordée une libération conditionnelle autre qu'une libération conditionnelle de jour.

Application for order of prohibition

(4) Where a peace officer has reasonable grounds to believe that it is not desirable in the interests of the safety of any person that a particular person should pos-

Demande d'ordonnance d'interdiction

(4) L'agent de la paix qui croit pour des motifs raisonnables qu'il ne serait pas souhaitable pour la sécurité de qui que ce soit qu'un individu soit autorisé à avoir en sa

sess any firearm or any ammunition or explosive substance, he may apply to a magistrate for an order prohibiting that particular person from having in his possession any firearm or any ammunition or explosive substance.

possession des armes à feu, des munitions ou des substances explosives, peut demander à un magistrat de rendre une ordonnance le lui interdisant.

Fixing date for hearing and notice

(5) On receipt of an application made pursuant to subsection (4) or on a reference by a firearms officer, pursuant to subsection 104(6), of his opinion that it is not desirable in the interests of the safety of an applicant for a firearms acquisition certificate or of any other person that the applicant for a firearms acquisition certificate acquire a firearm, the magistrate to whom the application or reference is made shall fix a date for the hearing of the application or reference and direct that notice of the hearing be given to the person against whom the order of prohibition is sought or the applicant for the firearms acquisition certificate and the firearms officer, as the case may be, in such manner as the magistrate may specify.

(5) Sur réception d'une demande présentée en vertu du paragraphe (4) ou lors d'un renvoi fait, en vertu du paragraphe 104(6), par un préposé aux armes à feu qui estime qu'il n'est pas souhaitable pour la sécurité du requérant d'une autorisation d'acquisition d'armes à feu, ni pour celle d'autrui, que celui-ci soit autorisé à avoir une telle arme en sa possession, le magistrat à qui il est fait fixe la date à laquelle il entendra la demande ou le renvoi et ordonne que la personne visée par l'interdiction demandée ou, selon le cas, le requérant de l'autorisation d'acquisition d'armes à feu et le préposé aux armes à feu, en soient notifiés de la manière qu'il indique.

Date d'audition et avis

Hearing of application and disposition

(6) At the hearing of an application made pursuant to subsection (4) the magistrate shall hear all relevant evidence presented by or on behalf of the applicant and the person against whom the order of prohibition is sought and where, at the

(6) Lors de l'audition de la demande présentée en vertu du paragraphe (4), le magistrat prend connaissance de tout élément de preuve pertinent que présentent le requérant et la personne visée par l'interdiction demandée, ou leurs procureurs, et

Audition et rejet ou non de la demande

conclusion of the hearing, the magistrate is satisfied that there are reasonable grounds to believe that it is not desirable in the interests of the safety of the person against whom the order of prohibition is sought or of any other person that the person against whom the order is sought should possess any firearm or any ammunition or explosive substance, the magistrate shall make an order prohibiting him from having in his possession any firearm or any ammunition or explosive substance for any period of time, not exceeding five years, specified in the order and computed from the day the order is made.

s'il est convaincu à la fin de l'audition qu'il existe des motifs raisonnables de croire qu'il ne serait pas souhaitable pour la sécurité de la personne ainsi visée, ni pour celle d'autrui, qu'elle soit autorisée à avoir en sa possession des armes à feu, des munitions ou des substances explosives, il doit rendre une ordonnance lui interdisant d'en avoir en sa possession pour une période qu'il indique dans l'ordonnance, d'au plus cinq ans, courant à compter de la date où l'ordonnance est rendue.

Hearing of reference and disposition

(7) At the hearing of a reference referred to in subsection (5), the magistrate shall hear all relevant evidence presented by or on behalf of the firearms officer and the applicant for a firearms acquisition certificate and where, at the conclusion of the hearing, the firearms officer has satisfied the magistrate that his opinion that it is not desirable in the interests of the safety of the applicant for a firearms acquisition certificate or of any other person that the applicant for a firearms acquisition certificate acquire a firearm is justified, the magistrate shall, by order, confirm that opinion and prohibit

(7) Lors de l'audition du renvoi visé au paragraphe (5), le magistrat prend connaissance de tout élément de preuve pertinent que présentent le préposé aux armes à feu et le requérant de l'autorisation d'acquisition d'armes à feu, ou leurs procureurs, et s'il est convaincu à la fin de l'audition de la justesse de l'opinion du préposé aux armes à feu, à savoir qu'il ne serait pas souhaitable pour la sécurité du requérant, ni pour celle d'autrui, que celui-ci soit autorisé à acquérir une arme à feu, il doit rendre une ordonnance confirmant cette opinion et interdisant au requérant d'avoir en sa possession des armes à

Audition et rejet ou non de la demande

the applicant for a firearms acquisition certificate from having in his possession any firearm, ammunition or explosive substance for any period of time, not exceeding five years, specified in the order and computed from the day the order is made.

feu, des munitions ou des substances explosives pour une période, qu'il indique dans l'ordonnance, d'au plus cinq ans, courant à compter de la date où l'ordonnance est rendue.

Idem

(8) Where, at the conclusion of a hearing referred to in subsection (7), the firearms officer has not satisfied the magistrate that his opinion that it is not desirable in the interests of the safety of the applicant for a firearms acquisition certificate or of any other person that the applicant for a firearms acquisition certificate acquire a firearm is justified, the magistrate shall, by order, direct the firearms officer to issue to that person a firearms acquisition certificate and, on payment of the fee, if any, fixed for such a certificate, the firearms officer shall forthwith comply with the direction.

(8) A la fin de l'audition visée au paragraphe (7), le magistrat qui n'est pas convaincu de la justesse de l'opinion du préposé aux armes à feu, à savoir qu'il soit souhaitable pour la sécurité du requérant de l'autorisation d'acquisition d'armes à feu, ou pour celle d'autrui, qu'il ne soit pas autorisé à acquérir des armes à feu, doit rendre une ordonnance enjoignant au préposé aux armes à feu de délivrer au requérant une autorisation d'acquisition d'armes à feu; le préposé doit aussitôt se conformer à cette directive sur paiement des frais prévus, le cas échéant, pour semblable autorisation.

Idem

Where hearing may proceed *ex parte*

(9) A magistrate may proceed *ex parte* to hear and determine an application made pursuant to subsection (4) or a reference referred to in subsection (5) in the absence of the person against whom the order of prohibition is sought or the applicant for a firearms acquisition certificate, as the case may be, in circumstances in which a sum-

(9) Le magistrat peut entendre *ex parte* la demande présentée en vertu du paragraphe (4) ou le renvoi visé au paragraphe (5), et en disposer, en l'absence de celui que viserait l'interdiction demandée ou en l'absence du requérant d'une autorisation d'acquisition d'armes à feu, dans les cas où les cours de poursuites sommaires peuvent,

Audition *ex parte*

mary conviction court may, pursuant to Part XXIV, proceed with a trial in the absence of the defendant as fully and effectually as if the defendant had appeared.

Appeal to appeal court in certain cases

(10) Where a magistrate

(*a*) makes an order pursuant to subsection (6) or (7), the prohibited person,

(*b*) refuses to make an order pursuant to subsection (6), the person who made the application pursuant to subsection (4), or

(*c*) makes an order pursuant to subsection (8), the firearms officer by whom the application for a firearms acquisition certificate that is the subject of the order was referred to the magistrate,

may appeal to the appeal court against the order or refusal to make an order, as the case may be, and the provisions of Part XXIV except sections 752 to 752.3 and sections 761 to 770 apply, *mutatis mutandis*, in respect of such an appeal.

Definitions

"appeal court"

(11) In this section,

"appeal court" means

(*a*) in the Province of Prince Edward Island, the Supreme Court,

en vertu de la Partie XXIV, commencer le procès en l'absence du défendeur, tout comme s'il y était.

Appels à la cour d'appel en certains cas

(10) Peuvent, devant la cour d'appel, les dispositions de la Partie XXIV s'appliquant *mutatis mutandis*, sauf les articles 752 à 752.3 et 761 à 770, interjeter appel de l'ordonnance rendue ou du refus de la rendre, selon le cas, les personnes suivantes:

a) celui que vise l'ordonnance d'interdiction rendue par le magistrat en vertu des paragraphes (6) ou (7);

b) le requérant, auteur de la demande pertinente présentée en vertu du paragraphe (4), en cas du refus du magistrat de rendre une ordonnance en vertu du paragraphe (6); ou

c) le préposé aux armes à feu auteur du renvoi qui fait l'objet d'une ordonnance rendue par le magistrat en vertu du paragraphe (8).

Définitions

«cour d'appel»

(11) Au présent article,

«cour d'appel» désigne

a) dans la province de l'Île-du-Prince-Édouard, la Cour suprême,

(*b*) in the Provinces of Nova Scotia, Ontario, Manitoba, British Columbia and Newfoundland, the district or county court of the district or county where the adjudication was made,

(*c*) in the Province of Quebec, the Superior Court,

(*d*) in the Province of New Brunswick, the County Court,

(*e*) in the Provinces of Saskatchewan and Alberta, the District Court, and

(*f*) in the Yukon Territory and Northwest Territories, the Supreme Court;

"magistrate" "magistrate" means a magistrate having jurisdiction in the territorial division where the person against whom the relevant application for an order of prohibition was brought or in respect of whom the reference was made, as the case may be, resides.

Possession of firearm, ammunition, etc., while prohibited by order (12) Every one who has in his possession any firearm or any ammunition or explosive substance while he is prohibited from doing so by any order made pursuant to this section

(*a*) is guilty of an indictable offence and is liable to imprisonment for five years; or

b) dans les provinces de la Nouvelle-Écosse, d'Ontario, du Manitoba, de la Colombie-Britannique et de Terre-Neuve, la cour de comté ou de district du comté ou du district où le jugement a été prononcé,

c) dans la province de Québec, la Cour supérieure,

d) dans la province du Nouveau-Brunswick, la cour de comté,

e) dans les provinces de la Saskatchewan et d'Alberta, la cour de district, et

f) dans le territoire du Yukon et les territoires du Nord-Ouest, la Cour suprême;

«magistrat» «magistrat» désigne un magistrat compétent dans la circonscription territoriale où réside la personne visée par la demande d'ordonnance d'interdiction ou le renvoi.

Contravention d'une ordonnance d'interdiction (12) Est coupable

a) d'un acte criminel et passible d'un emprisonnement de cinq ans, ou

b) d'une infraction punissable sur déclaration sommaire de culpabilité,

quiconque a en sa possession une arme à feu, des munitions ou une substance explo-

(*b*) is guilty of an offence punishable on summary conviction.

sive pendant que cela lui est interdit par une ordonnance rendue en conformité du présent article.

Defence

(13) An order made pursuant to subsection (1), (2), (6) or (7) shall specify therein a reasonable period of time within which the person against whom the order is made may surrender to a police officer or firearms officer or otherwise lawfully dispose of any firearm or any ammunition or explosive substance lawfully possessed by him prior to the making of the order, and subsection (12) does not apply to him during such period of time.

(13) Les ordonnances rendues en vertu des paragraphes (1), (2), (6) ou (7) doivent indiquer qu'un délai raisonnable, lequel doit être spécifié, est accordé à la personne visée par l'ordonnance pour disposer légalement, en les remettant à un officier de police ou à un préposé aux armes à feu ou autrement, des armes à feu, munitions ou substances explosives qu'elle possédait jusqu'alors légitimement; pendant ce délai, le paragraphe (12) ne lui est pas applicable.

Défense

Search and seizure

99. (1) Whenever a peace officer believes on reasonable grounds that an offence is being committed or has been committed against any of the provisions of this Act relating to prohibited weapons, restricted weapons, firearms or ammunition, he may search, without warrant, a person or vehicle, or place or premises other than a dwelling-house, and may seize anything by means of or in relation to which he reasonably believes the offence is being committed or has been committed.

99. (1) L'agent de la paix qui croit, pour des motifs raisonnables, que se commet ou a été commise une infraction aux dispositions de la présente loi ayant trait aux armes prohibées, armes à autorisation restreinte, armes à feu ou munitions, peut, sans mandat, fouiller toute personne ou véhicule, perquisitionner en tout lieu ou local autre qu'une maison d'habitation et saisir toute chose au moyen ou au sujet de laquelle il croit raisonnablement que l'infraction est ou a été commise.

Perquisition et saisie

Disposition

(2) Anything seized pursuant to subsection (1) shall be dealt with in accordance with sections 446 and 446.1.

(2) Il doit être disposé conformément aux articles 446 et 446.1 des choses saisies en vertu du paragraphe (1).

Dispositions des objets saisis

"Dwelling-house" defined

(3) For the purposes of this section, "dwelling-house" does not include a unit that is designed to be mobile other than such a unit that is being used as a permanent residence.

Définition de «maisons d'habitation»

(3) Pour l'application du présent article, sont exclues de l'expression «maisons d'habitation» les maisons mobiles qui ne sont pas utilisées comme résidence permanente.

Seizure

100. (1) Notwithstanding section 99, a peace officer who finds

(*a*) a person in possession of any restricted weapon who fails then and there to produce, for inspection by the peace officer, a registration certificate or permit under which he may lawfully possess the weapon,

(*b*) a person under the age of sixteen years in possession of any firearm who fails then and there to produce, for inspection by the peace officer, a permit under which he may lawfully possess the firearm, or

(*c*) any person in possession of a prohibited weapon,

may, unless in a case described in paragraph (*a*) or (*b*) possession of the restricted weapon or firearm by the person in the circumstances in which it is so found is authorized by any provision of this Part, seize such restricted weapon or firearm or such prohibited weapon.

Saisie

100. (1) Par dérogation à l'article 99, l'agent de la paix qui trouve

a) une personne en possession d'une arme à autorisation restreinte qui est incapable de lui présenter sur-le-champ pour examen le certificat d'enregistrement ou le permis en vertu duquel elle peut légalement l'avoir en sa possession,

b) une personne âgée de moins de seize ans en possession d'une arme à feu qui est incapable de lui présenter sur-le-champ pour examen le permis en vertu duquel elle peut légalement l'avoir en sa possession, ou

c) une personne en possession d'une arme prohibée,

peut saisir ces armes, à moins, dans les cas prévus aux alinéas *a*) ou *b*), que les dispositions de la présente Partie autorisent en l'espèce cette personne à avoir en sa possession lesdites armes à autorisation restreinte ou armes à feu.

Return

(2) Where a person from whom any restricted weapon or firearm was seized pursuant to subsection (1), within fourteen days thereafter, claims the weapon or firearm and produces to the peace officer by whom the weapon or firearm was seized, or any other peace officer having custody thereof, for inspection by him, a registration certificate or permit under which the person from whom the seizure was made is lawfully entitled to possess the weapon or firearm, the weapon or firearm shall forthwith be returned to him.

Forfeiture

(3) Where any restricted weapon, firearm or prohibited weapon that was seized pursuant to subsection (1) is not returned as and when provided by subsection (2), a peace officer shall forthwith take it before a magistrate who may, after affording the person from whom it was seized or the owner thereof, if known, an opportunity to establish that he is lawfully entitled to the possession thereof, declare it to be forfeited to Her Majesty, whereupon it shall be disposed of as the Attorney General directs.

Application for warrant to seize

101. (1) Where, on application to a magistrate made by or on behalf of the Attorney General with respect to any person, the magistrate is satisfied that

(2) La personne à qui, en vertu du paragraphe (1), on a saisi une arme à autorisation restreinte ou une arme à feu, peut, dans les quatorze jours, la réclamer en présentant pour fins d'examen à l'agent de la paix qui l'a saisie ou à tout autre agent de la paix qui en a la garde, le certificat d'enregistrement ou le permis l'autorisant à l'avoir légalement en sa possession; celle-ci doit alors lui être remise immédiatement. 15 Remise

Confiscation

(3) L'agent doit immédiatement apporter les armes à autorisation restreinte, armes à feu ou armes prohibées, saisies conformément au paragraphe (1) mais non remises conformément au paragraphe (2), à un magistrat qui peut, après avoir donné à la personne qui les détenait lorsqu'elles ont été saisies, ou à leur propriétaire, s'il est connu, l'occasion d'établir qu'ils ont le droit de les posséder, les déclarer confisquées au profit de Sa Majesté et, sur ce, il doit en être disposé ainsi que l'ordonne le procureur général.

Demande d'un mandat de saisie

101. (1) Un magistrat, sur demande du procureur général ou de son représentant, peut délivrer un mandat de perquisition autorisant la saisie des armes à feu ou

there are reasonable grounds for believing that it is not desirable in the interests of the safety of that person, or of any other person, that that person should have in his possession, custody or control any firearm or other offensive weapon or any ammunition or explosive substance, the magistrate may issue a warrant authorizing the search for and seizure of any firearm or other offensive weapon or any ammunition or explosive substance in the possession, custody or control of that person.

autres armes offensives, munitions ou substances explosives dont une personne a la possession, la garde ou le contrôle lorsqu'il est convaincu qu'il existe des motifs raisonnables de croire qu'il n'est pas souhaitable pour la sécurité de cette personne ou pour celle d'autrui, de les lui laisser.

Seizure without warrant

(2) Where, with respect to any person, a peace officer is satisfied that there are reasonable grounds for believing that it is not desirable in the interests of the safety of that person, or of any other person, that that person should have in his possession, custody or control any firearm or other offensive weapon or any ammunition or explosive substance and that the danger to the safety of that person or other persons is such that to proceed by way of an application under subsection (1) would be impracticable, the peace officer may without warrant search for and seize any firearm or other offensive weapon or any ammunition or explosive substance in the possession, custody or control of that person.

Saisie sans mandat

(2) Un agent de la paix peut, sans mandat, perquisitionner et saisir les armes à feu ou autres armes offensives, munitions ou substances explosives dont une personne a la possession ou la garde lorsqu'il est convaincu qu'il existe des motifs raisonnables de croire qu'il n'est pas souhaitable pour la sécurité de cette personne, ni pour celle d'autrui, de les lui laisser et que le danger pour la sécurité de cette personne ou d'autrui est tel qu'il serait impraticable de procéder par voie de demande en vertu du paragraphe (1).

Return to magistrate

(3) On execution of a warrant referred to in subsection (1) or following a search without warrant under subsection (2), the Attorney General shall forthwith make a return to the magistrate by whom the warrant was issued or, if no warrant was issued, to a magistrate by whom a warrant might have issued showing,

(*a*) in the case of an execution of a warrant referred to in subsection (1), the articles, if any, seized and the date of execution of the warrant; and

(*b*) in the case of a search without warrant under subsection (2), the grounds on which it was concluded that the peace officer who conducted the search without warrant was entitled to do so and the articles, if any, seized.

Application for disposition

(4) Where any articles have been seized pursuant to subsection (1) or (2), the magistrate by whom a warrant was issued or, if no warrant was issued, a magistrate by whom a warrant might have issued shall, on application to him for an order for the disposition of the articles so seized made by or on behalf of the Attorney General within thirty days from the date of execution of the warrant or of the seizure without warrant, as the case may be, fix a date for the hearing of the applica-

Rapport du mandat au magistrat

(3) Le procureur général doit, immédiatement après l'exécution du mandat mentionné au paragraphe (1), ou après une saisie sans mandat effectuée conformément au paragraphe (2), présenter au magistrat qui a délivré le mandat ou, dans le cas d'une saisie sans mandat, qui aurait eu compétence pour ce faire faire, un rapport indiquant, outre les objets saisis,

a) la date d'exécution du mandat dans le cas d'un mandat exécuté en vertu du paragraphe (1); et

b) dans le cas d'une saisie sans mandat en vertu du paragraphe (2), les motifs au soutien de la décision de l'agent de la paix de faire la saisie.

Demande d'une ordonnance pour disposer des objets saisis

(4) Lorsque des objets ont été saisis en vertu des paragraphes (1) ou (2), le magistrat qui a délivré le mandat, ou, dans le cas d'une saisie sans mandat, qui aurait eu compétence pour ce faire faire, doit, sur demande d'une ordonnance, aux fins de disposer de ces objets, faite par le procureur général ou en son nom, dans les trente jours de la date de l'exécution du mandat ou de la saisie sans mandat, selon le cas, fixer la date d'audition de la demande et ordonner qu'un avis de l'audi-

tion and direct that notice of the hearing be given to such persons or in such manner as the magistrate may specify.

tion soit donné aux personnes et de la manière qu'il peut spécifier.

Hearing of application

(5) At the hearing of an application described in subsection (4), the magistrate shall hear any relevant evidence, including evidence as to the value of the articles in respect of which the application was made.

(5) Lors de l'audition de la demande mentionnée au paragraphe (4), le magistrat doit entendre toute preuve pertinente, y compris toute preuve de la valeur des objets visés par la demande.

Audition de la demande

Finding and order of court

(6) If, following the hearing of an application described in subsection (4) made with respect to any person, the magistrate finds that it is not desirable, in the interests of the safety of that person or of any other person, that that person should have in his possession, custody or control any firearm or other offensive weapon or any ammunition or explosive substance, the magistrate may

(a) order that any or all of the articles seized be disposed of on such terms as the magistrate deems fair and reasonable, and give such directions concerning the payment or application of the proceeds, if any, of the disposition as the magistrate sees fit; and

(b) where the magistrate is satisfied that the circumstances warrant such action, order that the possession by that person of any firearm or other offensive

(6) Le magistrat qui, suite à l'audition d'une demande mentionnée au paragraphe (4), conclut qu'il n'est pas souhaitable pour la sécurité de la personne visée par cette demande, ni pour celle d'autrui, qu'elle ait la possession, la garde ou le contrôle d'armes à feu, d'autres armes offensives, de munitions ou de substances explosives, peut

a) ordonner de disposer des objets saisis aux conditions qu'il estime justes et raisonnables et donner les directives qu'il juge appropriées relativement au paiement ou à l'affectation du produit, s'il en est, de cette disposition; et

b) lorsqu'il est convaincu que les circonstances justifient une telle mesure, ordonner que la possession par cette personne des armes à feu, autres armes offensives, munitions ou substances explosives mentionnées dans l'ordon-

Conclusion et ordonnance de la cour

weapon or any ammunition or explosive substance specified in the order, or of all such articles be prohibited during any period of time, not exceeding five years, specified in the order and computed from the day the order is made.

nance soit interdite durant la période, d'au plus cinq ans, qu'elle spécifie, courant à compter du jour où elle est rendue.

Where no finding or application

(7) Any articles seized under subsection (1) or (2) in respect of which,

(*a*) no application under subsection (4) is made within thirty days from the date of execution of the warrant or of the seizure without warrant, as the case may be, or

(*b*) where an application under subsection (4) is made within the period referred to in paragraph (*a*), the magistrate does not make a finding as described in subsection (6),

shall be returned to the person from whom they were seized.

(7) Les objets saisis en vertu des paragraphes (1) ou (2) doivent être remis au saisi dans les cas suivants:

a) aucune demande n'est présentée en vertu du paragraphe (4) dans les trente jours de la date d'exécution du mandat ou de la saisie sans mandat, selon le cas; ou

b) une demande prévue au paragraphe (4) étant présentée dans le délai prévu à l'alinéa *a*), le magistrat ne conclut pas dans le sens indiqué au paragraphe (6).

Absence de demande ou de conclusion

Appeal

(8) Where a magistrate

(*a*) makes an order under subsection (6) with respect to any person, that person, or

(*b*) does not make a finding as described in subsection (6) following the hearing of an application under subsec-

(8) Peuvent, devant la cour d'appel, les dispositions de la Partie XXIV s'appliquant *mutatis mutandis*, sauf les articles 752 à 752.3 et 761 à 770, interjeter appel d'une ordonnance du magistrat rendue en vertu du paragraphe (6) ou, selon le cas, du défaut de conclure dans le sens visé par ce paragraphe ou du défaut de rendre

Appel

tion (4), or makes such a finding but does not make an order to the effect described in paragraph (6)(*a*) and to the effect described in paragraph (6)(*b*), the Attorney General or counsel instructed by him for that purpose

may appeal to the appeal court against the making of the order, or against the failure to make such a finding or to make an order to the effects so described, as the case may be, and the provisions of Part XXIV except sections 752 to 752.3 and sections 761 to 770 apply, *mutatis mutandis*, in respect of such an appeal.

Definitions

"magistrate"

"appeal court"

(9) In this section,

"magistrate" means a magistrate having jurisdiction in the territorial division where the person with respect to whom an application is made under subsection (1) or the person with respect to whom a search without warrant is made under subsection (2) resides;

"appeal court" has the meaning given that expression in subsection 98(11).

Possession of firearm or ammunition while prohibited by order

(10) Every one who has in his possession any firearm or other offensive weapon or any ammunition or explosive substance while he is prohibited from doing so by

l'ordonnance qui y est prévue, les personnes suivantes:

a) celle contre qui l'ordonnance prévue au paragraphe (6) est rendue;

b) le procureur général ou un procureur constitué par lui dans les cas où le magistrat, après avoir entendu la demande visée au paragraphe (4), ne conclut pas dans le sens indiqué au paragraphe (6) ou, s'il le fait, lorsqu'il ne rend pas l'ordonnance prévue aux alinéas (6)*a*) ou *b*).

Définitions

«cour d'appel»

«magistrat»

(9) Au présent article,

«cour d'appel» a le sens que lui donne le paragraphe 98(11);

«magistrat» désigne un magistrat compétent dans la circonscription territoriale où réside la personne visée par une demande faite en vertu du paragraphe (1) ou par une saisie sans mandat en vertu du paragraphe (2).

Possession d'armes à feu ou de munitions interdite par ordonnance

(10) Est coupable

a) d'un acte criminel et passible d'un emprisonnement de cinq ans, ou

any order made pursuant to paragraph (6)(*b*)

(*a*) is guilty of an indictable offence and is liable to imprisonment for five years; or

(*b*) is guilty of an offence punishable on summary conviction.

b) d'une infraction punissable sur déclaration sommaire de culpabilité,

quiconque a en sa possession une arme à feu, une autre arme offensive, des munitions ou des substances explosives pendant que cela lui est interdit par une ordonnance rendue en vertu de l'alinéa (6)*b*).

Found, Lost, Mislaid, Stolen and Defaced Firearms and other Weapons

Armes à feu et autres armes trouvées, perdues, égarées, volées ou maquillées

Finding weapon

102. (1) Every one commits an offence who, on finding a prohibited weapon or restricted weapon or firearm that he has reasonable grounds to believe has been lost or abandoned, does not with reasonable despatch

(*a*) deliver it to a peace officer, a local registrar of firearms or a firearms officer; or

(*b*) report to a peace officer, a local registrar of firearms or a firearms officer that he has found it.

Arme trouvée

102. (1) Commet une infraction quiconque, après avoir trouvé une arme prohibée, une arme à autorisation restreinte ou une arme à feu, qu'il croit pour des motifs raisonnables avoir été perdues ou abandonnées,

a) ne les remet pas, avec diligence raisonnable, à un agent de la paix, à un registraire local d'armes à feu ou à un préposé aux armes à feu; ou

b) ne fait pas connaître, avec diligence raisonnable, à un agent de la paix, à un registraire local d'armes à feu ou à un préposé aux armes à feu qu'il les a trouvées.

Lost weapon, etc.

(2) Every one commits an offence who, having lost or mislaid a restricted weapon for which he has a registration certificate

Arme perdue, etc.

(2) Commet une infraction, quiconque, ayant perdu, égaré ou s'étant fait voler une arme à autorisation restreinte pour

or permit or having had such a restricted weapon stolen from his possession, does not with reasonable despatch report to a peace officer, or a local registrar of firearms that he has lost or mislaid such weapon or that such weapon has been stolen from him.

laquelle il détient un certificat d'enregistrement ou un permis, ne fait pas connaître, avec diligence raisonnable, à un agent de la paix ou à un registraire local d'armes à feu qu'il a perdu ou égaré cette arme ou qu'on la lui a volée.

Tampering with serial number

(3) Every one commits an offence who, without lawful excuse, the proof of which lies on him

(*a*) alters, defaces or removes a serial number on a firearm; or

(*b*) has in his possession a firearm knowing that the serial number thereon has been altered, defaced or removed.

Modification du numéro de série

(3) Commet une infraction, quiconque, sans excuse légitime, dont la preuve lui incombe

a) modifie, maquille ou efface un numéro de série sur une arme à feu; ou

b) a en sa possession une arme à feu en sachant que son numéro de série a été modifié, maquillé ou effacé.

Evidence

(4) In proceedings under subsection (3), evidence that a person has in his possession a firearm the serial number of which has been wholly or partially obliterated is, in the absence of any evidence to the contrary, proof that such person has the firearm in his possession knowing that the serial number thereon has been altered, defaced or removed.

Preuve

(4) Dans toute procédure engagée en vertu du paragraphe (3), la preuve qu'une personne a en sa possession une arme à feu dont le numéro de série a été totalement ou partiellement effacé fait preuve, en l'absence de preuve contraire, que cette personne est en possession de l'arme en sachant que son numéro de série a été modifié, maquillé ou effacé.

Punishment

(5) Every one who contravenes this section

Peine

(5) Quiconque commet une infraction visée au présent article est coupable

a) d'un acte criminel et passible d'un emprisonnement de cinq ans; ou

(*a*) is guilty of an indictable offence and is liable to imprisonment for five years; or

(*b*) is guilty of an offence punishable on summary conviction.

b) d'une infraction punissable sur déclaration sommaire de culpabilité.

Firearms and other Businesses

Fabriques d'armes à feu et autres entreprises

Record of transaction in firearms, etc

103. (1) Every person who carries on a business that includes the manufacturing, buying or selling at wholesale or retail, importing, repairing, altering or modifying or taking in pawn of restricted weapons or firearms shall

(*a*) keep records of transactions entered into by him with respect to such weapons or firearms in a form prescribed by the Commissioner and containing such information as is prescribed by the Commissioner;

(*b*) keep an inventory of all such weapons and firearms from time to time on hand at his place of business;

(*c*) produce the record and inventory for inspection at the request of any police officer or police constable or any other person authorized by regulations

Registre des opérations relatives aux armes, etc.

103. (1) Quiconque exploite une entreprise qui comporte la fabrication, l'achat ou la vente, en gros ou au détail, l'importation, la réparation, la modification ou la prise en gage d'armes à autorisation restreinte ou d'armes à feu doit

a) tenir des registres de ses opérations, en la forme prescrite par le commissaire en ce qui concerne les armes, notamment les armes à feu que ce dernier désigne, et contenant les renseignements qu'il exige;

b) tenir un inventaire de ces armes et armes à feu en stock à sa place d'affaires;

c) présenter ce registre et cet inventaire pour examen à la demande d'un officier ou agent de police ou des personnes autorisées par les règlements d'applica-

made pursuant to paragraph 106.8(*a*) to enter any place where a business referred to in that paragraph is carried on; and

(*d*) mail a copy of the record and inventory relating to restricted weapons to the Commissioner or to any person authorized by subsection 106.2(5) to issue a permit to carry on the business in accordance with any request in writing made by the Commissioner or any such person.

tion de l'alinéa 106.8*a*) à pénétrer en tout lieu où s'exploite une entreprise visée à cet alinéa; et

d) poster une copie du registre et de l'inventaire relatifs aux armes à autorisation restreinte au commissaire ou à toute personne que le paragraphe 106.2(5) autorise à délivrer un permis d'exploitation de l'entreprise sur demande écrite du commissaire ou de cette personne.

Report of loss, destruction or theft

(2) A person who carries on

(*a*) a business described in subsection (1), or

(*b*) a business that includes

(i) the manufacturing, buying or selling at wholesale or retail or importing of ammunition, or

(ii) the transportation or shipping of restricted weapons, firearms or ammunition

shall report to a local registrar of firearms or a peace officer any loss or destruction of any restricted weapon or firearm or any theft of any such weapon, firearm or ammunition that occurs in the course of the business.

Pertes, destructions et vols signalés

(2) L'exploitant

a) d'une entreprise visée au paragraphe (1), ou

b) d'une entreprise comportant

(i) la fabrication, l'achat, la vente, en gros ou au détail, ou l'importation de munitions, ou

(ii) le transport ou l'expédition d'armes à autorisation restreinte, d'armes à feu ou de munitions,

doit signaler au registraire local d'armes à feu ou à un agent de la paix les pertes ou destructions d'armes à autorisation restreinte ou d'armes à feu et les vols de telles armes, armes à feu ou de munitions survenus dans le cours de son exploitation.

Form of report

(3) A report made pursuant to subsection (2) shall be in a form prescribed by the Commissioner and shall be made forthwith after the loss, destruction or theft occurs or is discovered.

Permit to carry on business

(4) No person shall carry on a business described in subsection (1) or subparagraph (2)(*b*)(i) unless he is the holder of a permit to carry on such business.

Each location a separate business

(5) Where a person carries on a business described in subsection (1) or subparagraph (2)(*b*)(i) at more than one location, each such location shall be deemed for the purposes of this section and regulations made pursuant to paragraphs 106.8(*a*) to (*c*) to be a separate business.

Handling, secure storage, etc.

(6) No person shall, in the course of a business described in subsection (1) or subparagraph (2)(*b*)(i),

(*a*) handle, store, display or advertise any restricted weapon, firearm or ammunition in a manner that contravenes any regulation made by the Governor in Council pursuant to paragraph 106.8(*a*); or

(*b*) sell by mail-order any restricted weapon, firearm or ammunition in a manner that contravenes any regulation

Forme

(3) Le rapport visé au paragraphe (2) doit être fait, en la forme prescrite par le commissaire, immédiatement après la perte, la destruction ou le vol ou dès leur découverte.

Permis d'exploiter une entreprise

(4) Il est interdit d'exploiter une entreprise visée au paragraphe (1) ou au sous-alinéa (2)*b*)(i) à moins d'être titulaire d'un permis à cette fin.

Lieux distincts, entreprises distinctes

(5) Lorsqu'une personne exploite une entreprise visée au paragraphe (1) ou au sous-alinéa (2)*b*)(i) à plusieurs endroits, chaque endroit est présumé, aux fins du présent article et des règlements établis en vertu des alinéas 106.8*a*) à *c*), constituer une entreprise distincte.

Manipulation, entreposage, etc.

(6) Il est interdit, dans le cours ordinaire des affaires d'une entreprise visée au paragraphe (1) ou au sous-alinéa (2)*b*)(i),

a) de manipuler, entreposer, mettre en montre ou annoncer des armes à autorisation restreinte, des armes à feu ou des munitions en contravention des règlements établis par le gouverneur en conseil en application de l'alinéa 106.8*a*); ou

b) d'effectuer la vente postale d'armes à autorisation restreinte, d'armes à feu ou

made by the Governor in Council pursuant to paragraph 106.8(*c*).

de munitions en contravention des règlements établis par le gouverneur en conseil en application de l'alinéa 106.8*c*).

Handling and transportation

(7) No person shall, in the course of a business described in subsection (1) or (2), knowingly handle, ship, store or transport any firearm or ammunition in a manner that contravenes any regulation relating to the secure handling, shipping, storage and transportation of firearms and ammunition made pursuant to paragraph 106.8(*d*).

Manipulation et transport

(7) Il est interdit de manipuler, d'expédier, d'entreposer ou de transporter sciemment dans la cours des affaires d'une entreprise décrite aux paragraphes (1) ou (2), des armes à feu ou des munitions en contravention des règlements sur la sécurité de la manipulation, de l'expédition, de l'entreposage et du transport des armes à feu ou des munitions établis en application de l'alinéa 106.8*d*).

Punishment

(8) Every one who contravenes subsection (1), (2), (4), (6) or (7)

(*a*) is guilty of an indictable offence and is liable to imprisonment for five years; or

(*b*) is guilty of an offence punishable on summary conviction.

Peine

(8) Quiconque commet une infraction visée aux paragraphes (1), (2), (4), (6) ou (7) est coupable

a) d'un acte criminel et passible d'un emprisonnement de cinq ans; ou

b) d'une infraction punissable sur déclaration sommaire de culpabilité.

Firearms Acquisition Certificates

Autorisation d'acquisition d'armes à feu

Consideration of application and issuance of firearms acquisition certificate

104. (1) Where a firearms officer to whom an application for a firearms acquisition certificate is made, after considering the information contained in the application, any further information that is sub-

Examen de la demande et délivrance de l'autorisation d'acquisition d'armes à feu

104. (1) Le préposé aux armes à feu qui reçoit une demande d'autorisation d'acquisition d'armes à feu s'assure de l'exactitude des renseignements qui y apparaissent ainsi que de ceux qui lui sont fournis sur

mitted to him pursuant to a requirement made under subsection (8) and such other information as may reasonably be regarded as relevant to the application, does not have notice of any matter that may render it desirable in the interests of the safety of the applicant or any other person that the applicant should not acquire a firearm, he shall, subject to subsection (2) and on receipt by him of the appropriate fee, if any, issue a firearms acquisition certificate to the applicant.

demande faite en vertu du paragraphe (8) et de ceux que l'on peut raisonnablement considérer comme pertinents à la demande; sous réserve du paragraphe (2), s'il n'a connaissance d'aucun fait susceptible de rendre souhaitable pour la sécurité du requérant, ou pour celle d'autrui, que celui-ci ne soit pas autorisé à acquérir des armes à feu, il lui délivre l'autorisation demandée sur réception du paiement des frais prévus le cas échéant.

Where no certificate may be issued

(2) No firearms acquisition certificate may be issued to a person who

(*a*) is under the age of sixteen years;

(*b*) is prohibited by an order made pursuant to section 98 or 101 or by a condition of a probation order referred to in paragraph 663(2)(*d*) from having a firearm in his possession; or

(*c*) fails to produce evidence in conjunction with his application for a firearms acquisition certificate that he has

(i) completed a course in the safe handling and use of firearms, or

(ii) successfully completed a test relating to the safe handling and use of firearms

Pouvoir de refuser de délivrer l'autorisation

(2) Il est interdit de délivrer une autorisation d'acquisition d'armes à feu aux personnes suivantes:

a) celles qui ont moins de seize ans;

b) celles à qui une ordonnance rendue en vertu des articles 98 ou 101, ou une des modalités d'une ordonnance de probation visée à l'alinéa 663(2)*d*), interdit d'avoir des armes à feu en leur possession; ou

c) celles incapables d'établir, corrélativement à leur demande d'autorisation d'acquisition d'armes à feu

(i) qu'elles ont terminé un cours d'apprentissage du maniement et de l'usage sécuritaire des armes à feu, ou

that, at the time he completed the course or test, was approved for the purposes of this section by the Attorney General of the province in which he took the course or test.

Deemed notice

(3) A firearms officer shall be deemed to have notice of a matter that may render it desirable in the interests of the safety of an applicant for a firearms acquisition certificate or of any other person that the applicant should not acquire a firearm and a magistrate, on a reference pursuant to subsection (6), is entitled to confirm the opinion of a firearms officer that it is not desirable in the interests of the safety of such applicant or of any other person that such applicant should acquire a firearm, where it is made to appear to him that the applicant

(*a*) has been convicted within five years immediately preceding the date of his application, in proceedings on indictment, of

(i) an offence in the commission of which violence against another person was used, threatened or attempted, or

(ii) an offence under this Part:

(ii) qu'elles ont réussi avec succès un examen sur le maniement et l'usage sécuritaire des armes à feu

approuvés pour l'application du présent article par le procureur général de la province où ils eurent lieu, à l'époque où ils eurent lieu.

Présomption de notification

(3) Le préposé aux armes à feu est présumé avoir connaissance d'un fait susceptible de rendre souhaitable pour la sécurité du requérant d'une demande d'autorisation d'acquisition d'armes à feu, ou pour celle d'autrui, qu'il ne soit pas autorisé à acquérir de telles armes et le magistrat, en cas de renvoi en application du paragraphe (6), est en droit de confirmer l'opinion en ce sens que s'est faite le préposé lorsqu'il appert que

a) dans les cinq ans précédant la date de la demande, le requérant a été déclaré coupable, sur mise en accusation, de l'une ou l'autre des infractions suivantes:

(i) une infraction commise avec emploi, menace ou tentative d'emploi de violences contre autrui,

(ii) une infraction à la présente Partie;

(*b*) within five years immediately preceding the date of his application, has been treated for a mental disorder, whether in a hospital, mental institute or psychiatric clinic or otherwise and whether or not he was, during that period, confined to such a hospital, institute or clinic, where the disorder for which he was so treated was associated with violence or threatened or attempted violence on the part of the applicant against himself or any other person; or

(*c*) has a history of behaviour occurring within five years immediately preceding the date of his application, that included violence or threatened or attempted violence on the part of the applicant against himself or any other person.

Notice to be given

(4) Where a firearms officer to whom an application for a firearms acquisition certificate is made has notice of any matter that may render it desirable in the interests of the safety of the applicant or of any other person that the applicant should not acquire a firearm, he shall notify the applicant in writing that in his opinion it is not desirable in the interests of the safety of the applicant or of any other person or description of persons specified in the

b) dans les cinq ans précédant la date de la demande, le requérant a été traité pour déséquilibre mental dans un hôpital, un institut pour malades mentaux, une clinique psychiatrique ou ailleurs, qu'il ait ou non été interné, lorsque étaient associés au déséquilibre pour lequel il fut traité, des emplois, menaces ou tentatives d'emploi de sa part de violence contre lui-même ou contre autrui; ou

c) dans les cinq ans précédant la date de la demande, le requérant a eu un comportement associé à des emplois, menaces ou tentatives d'emploi de sa part de violence contre lui-même ou contre autrui.

Notification

(4) Le préposé aux armes à feu auquel est présenté une demande d'autorisation d'acquisition d'armes à feu, qui a connaissance de quelque cause susceptible de rendre souhaitable pour la sécurité du requérant, ou pour celle d'autrui, que celui-ci ne soit pas autorisé à acquérir de telles armes, l'en notifie par écrit, en indiquant les motifs de son opinion et en spécifiant qu'à son avis il n'est pas souhaitable pour sa sécurité, pour celle des personnes

notice that the applicant acquire a firearm, and of his reasons therefor, and that, unless within thirty days from the day on which the notice is received by the applicant or within such further time as is, before or after the expiration of that period, allowed by a magistrate, the applicant, in writing, requests the firearms officer to refer his opinion to a magistrate for confirmation or variation thereof, the application for the firearms acquisition certificate will be refused by him.

expressément nommées dans la notification ni pour celle d'autrui en général, qu'il soit autorisé à acquérir des armes à feu; il indique aussi qu'à moins que, dans les trente jours de la réception de la notification, sous réserve de prorogation accordée par un magistrat, le requérant ne lui demande par écrit de soumettre son opinion à un magistrat pour confirmation ou modification, il refusera la demande d'autorisation d'acquisition d'armes à feu.

Material to accompany notice under ss. (4)

(5) A notice given by a firearms officer under this section shall be accompanied by a copy or an extract of the provisions of this section and of subsections 98(5) to (13).

Copie du présent article annexée à la notification

(5) Copie des dispositions du présent article et des paragraphes 98(5) à (13) doit être annexée aux notifications qu'effectuent les préposés aux armes à feu en vertu du présent article.

Reference to magistrate

(6) On receipt by a firearms officer within the time provided in subsection (4) of a request in writing to refer his opinion referred to in that subsection to a magistrate for confirmation or variation thereof, the firearms officer shall forthwith comply with that request.

Renvoi à un magistrat

(6) Le préposé aux armes à feu qui, dans les délais prévus au paragraphe (4), reçoit une demande écrite exigeant qu'il soumette son opinion à un magistrat pour confirmation ou modification, doit aussitôt lui donner suite.

Application for firearms acquisition certificate

(7) An application for a firearms acquisition certificate shall be in a form prescribed by the Commissioner and shall be made to a firearms officer.

Demande d'autorisation d'acquisition d'armes à feu

(7) Les demandes d'autorisation d'acquisition d'armes à feu sont présentées aux préposés aux armes à feu; elles doivent être rédigées en la forme prescrite par le commissaire.

Further information

(8) A firearms officer to whom an application for a firearms acquisition certificate is made may require the applicant to submit such further information in addition to that included in the application as may reasonably be regarded as relevant for the purpose of determining whether there is any matter that might render it dangerous for the safety of the applicant or of any other person if the applicant acquired a firearm.

Limitation

(9) No local registrar of firearms, firearms officer or other person shall require as information, to be submitted by an applicant for a firearms acquisition certificate or permit, details concerning the makes or serial numbers of shotguns or rifles of a type, kind or design commonly used in Canada for hunting or sporting purposes.

Term for which certificate valid and fee

(10) A firearms acquisition certificate is valid for five years from the day on which it is issued, and the fee payable for the issue thereof is ten dollars.

Exception

(11) Notwithstanding subsection (10), no fee is payable in respect of a firearms acquisition certificate that is issded to a person who requires a firearm to hunt or

(8) Le préposé aux armes à feu à qui est présentée une demande d'autorisation d'acquisition d'armes à feu peut exiger du requérant tout renseignement supplémentaire, raisonnablement pertinent, aux fins de déterminer s'il serait dangereux pour la sécurité de ce dernier, ou pour celle d'autrui, de l'autoriser à acquérir des armes à feu.

Renseignements supplémentaires

(9) Nul registraire local d'armes à feu ou préposé aux armes à feu ni aucune autre personne ne doit exiger, à titre de renseignements à fournir par le requérant d'un permis ou d'une autorisation d'acquisition d'armes à feu, des détails sur la marque ou le numéro de série des fusils de chasse ou des carabines de type, genre ou conception utilisé habituellement au Canada pour la chasse ou pour le sport.

Réserve

(10) L'autorisation d'acquisition d'armes à feu est valide pour cinq ans à compter de la date de délivrance et les frais payables pour sa délivrance sont de dix dollars.

Période de validité et frais à payer

(11) Par dérogation au paragraphe (10), il n'y a pas de frais à payer dans le cas d'une autorisation d'acquisition d'armes à feu délivrée à une personne qui a besoin de l'arme

Exception

trap in order to sustain himself or his family.

pour chasser ou trapper afin de subvenir à ses besoins ou à ceux de sa famille.

Validity of certificate

(12) A firearms acquisition certificate is valid throughout Canada.

(12) Les autorisations d'acquisition d'armes à feu sont valides partout au Canada.

Valide partout au Canada

Alternative firearms acquisition certificate

105. The Governor in Council may, on application by the Attorney General of a province, by order, declare any hunting licence, certificate, permit, or other document described in the order that is issued under the authority of a law of a province to be a valid firearms acquisition certificate where, in the opinion of the Governor in Council, such a licence, certificate, permit or other document may only be issued to persons to whom and in circumstances in which a firearms acquisition certificate could validly be issued if an application were made for such a certificate; and where an order is made under this section, a licence, certificate, permit or other document to which the order relates shall, on and after a day specified in the order, be deemed for all purposes of this Part to be a firearms acquisition certificate, whether or not the licence, certificate, permit or other document was issued before, on or after the day specified in the order.

105. Le gouverneur en conseil qui estime qu'un permis de chasse, un certificat, une licence ou une autre forme écrite d'autorisation, délivrée conformément aux lois d'une province, ne peut l'être qu'à des personnes ayant qualité pour obtenir, si elles en faisaient la demande, une autorisation d'acquisition d'armes à feu, peut, sur demande du procureur général d'une province, déclarer que ces différentes formes d'autorisations, lesquelles doivent être décrites dans le décret, constituent des autorisations d'acquisition d'armes à feu valides; celles-ci sont, à compter de la date prévue dans le décret, réputées, aux fins de la présente Partie, être des autorisations d'acquisition d'armes à feu, qu'elles aient été délivrées avant ou après cette date.

Autorisation équivalente

Agreements with provinces

106. The Solicitor General, with the approval of the Governor in Council, may

106. Le solliciteur général peut, avec l'approbation du gouverneur en conseil, conclure

Accords avec les provinces

enter into agreements with the governments of the provinces for the coordination, to the maximum extent possible, of the administration of sections 104, 106.1 and 106.2 with the administration by provinces of provincial laws and programs relating to game hunting, firearms competency testing and firearms safety training.

Restricted Weapon Registration Certificates

Application for registration certificate

106.1 (1) An application for a registration certificate in respect of a restricted weapon shall be in a form prescribed by the Commissioner and shall be made to a local registrar of firearms.

Permit to convey

(2) On receiving an application for a registration certificate, a local registrar of firearms may issue a permit under subsection 106.2(4) authorizing the applicant to convey the weapon to him for examination.

Limitation

(3) A registration certificate may be issued only where a local registrar of firearms indicates on the copy of the application for the certificate that is sent to the Commissioner pursuant to subsection (5) that

(*a*) the applicant for the certificate is

des accords avec les gouvernements des provinces pour coordonner, en autant que faire se peut, l'administration des articles 104, 106.1 et 106.2 avec celle des lois et programmes provinciaux sur la chasse, le contrôle de l'aptitude au maniement des armes à feu et l'entraînement à leur maniement.

Certificats d'enregistrement pour armes à autorisation restreinte

Demande de certificat d'enregistrement

106.1 (1) Les demandes de certificat d'enregistrement pour une arme à autorisation restreinte doivent être faites au registraire local d'armes à feu en la forme prescrite par le commissaire.

Permis de transport pour examen

(2) Sur réception d'une demande de certificat d'enregistrement, le registraire local d'armes à feu peut délivrer le permis, prévu au paragraphe 106.2(4), autorisant le requérant à lui apporter l'arme pour lui permettre de l'examiner.

Réserve

(3) Les certificats d'enregistrement ne peuvent être délivrés que si un registraire local d'armes à feu inscrit, sur la copie de la demande envoyée au commissaire conformément au paragraphe (5), ce qui suit:

a) le requérant est titulaire d'une autorisation d'acquisition d'armes à feu et

the holder of a firearms acquisition certificate and is eighteen or more years of age, and

(*b*) the restricted weapon to which the application relates bears a serial number sufficient to distinguish it from other restricted weapons or, in the case of an antique firearm that does not bear such a serial number, it is accurately described in the application,

and further that the restricted weapon to which the application relates

(*c*) is required by the applicant

(i) to protect life,

(ii) for use in connection with his lawful profession or occupation,

(iii) for use in target practice under the auspices of a shooting club approved for the purposes of this section by the Attorney General of the province in which the premises of the shooting club are located, or

(iv) for use in target practice in accordance with conditions proposed to be attached to the permit to be issued in respect of the restricted weapon under subsection 106.2(1),

(*d*) will form part of a gun collection of the applicant who is a *bona fide* gun collector, or

est âgé d'au moins dix-huit ans;

b) l'arme à autorisation restreinte visée par la demande porte un numéro de série permettant de la différencier ou, dans le cas d'une arme à feu historique qui n'a pas de numéro, la description qui en est faite dans la demande est exacte;

c) le requérant requiert l'arme à autorisation restreinte visée par la demande

(i) pour protéger des vies,

(ii) pour son travail ou occupation légitime,

(iii) pour le tir à la cible, sous les auspices d'un club de tir approuvé aux fins du présent article par le procureur général de la province où les locaux du club sont situés, ou

(iv) pour le tir à la cible conformément aux conditions qu'il est proposé d'annexer au permis qui sera délivré pour cette arme en vertu du paragraphe 106.2(1);

d) le requérant est en toute bonne foi collectionneur d'armes à feu et il destine l'arme à autorisation restreinte visée par la demande à sa collection; ou

e) l'arme visée par la demande est ou est présumée, en vertu de l'alinéa 106.8*f*), constituer une antiquité ou un souvenir pour les fins de la présente Partie.

(*e*) is or is deemed pursuant to paragraph 106.8(*f*) to be a relic for the purposes of this Part.

Idem

(4) A registration certificate may only be issued in respect of a restricted weapon described in paragraph (*c*) of the definition "restricted weapon" in subsection 82(1) where a local registrar of firearms, in addition to the matters referred to in subsection (3), indicates on the copy of the application that is sent to the Commissioner pursuant to subsection (5) that the restricted weapon will form part of a gun collection of the applicant who is a *bona fide* gun collector whose collection includes one or more restricted weapons described in that paragraph.

Idem

(4) Le certificat d'enregistrement d'une arme à autorisation restreinte visée à l'alinéa *c*) de la définition de cette expression au paragraphe 82(1) ne peut être délivré que si le registraire local d'armes à feu inscrit sur la copie de la demande de certificat envoyée au commissaire conformément au paragraphe (5), outre ce que prévoit le paragraphe (3), que l'arme est destinée à la collection d'armes à feu du requérant, laquelle compte une ou plusieurs armes à autorisation restreinte définies à cet alinéa, le requérant étant, en toute bonne foi, collectionneur d'armes à feu.

Distribution of copies of application

(5) The local registrar of firearms by whom an application for a registration certificate is received shall

(*a*) send one copy thereof to the Commissioner;

(*b*) deliver one copy thereof to the applicant; and

(*c*) retain one copy thereof.

Copies

(5) Le registraire local d'armes à feu qui reçoit une demande de certificat d'enregistrement doit

a) en envoyer une copie au commissaire;

b) en remettre une copie au requérant; et

c) en conserver une copie.

Matters to be reported to Commissioner

(6) Where a local registrar of firearms to whom an application for a registration certificate is made has notice of any

Rapport des faits au commissaire

(6) Le registraire local d'armes à feu à qui une demande de certificat d'enregistrement est faite qui a connaissance de quel-

matter that may render it desirable in the interests of the safety of the applicant or any other person that the applicant should not possess a restricted weapon, he shall report that matter to the Commissioner and he may, if the restricted weapon is conveyed to him for examination, hold the weapon pending the final disposition of the application for a registration certificate in respect thereof.

que cause susceptible de rendre souhaitable, pour la sécurité du requérant ou pour celle d'autrui, de ne pas l'autoriser à posséder une arme à autorisation restreinte, doit en faire rapport au commissaire et il peut, si l'arme à autorisation restreinte lui est apportée pour examen, retenir l'arme jusqu'à décision finale sur la demande.

Registration certificate

(7) On receiving an endorsed copy of an application for a registration certificate, the Commissioner shall, subject to subsections (3) and (4) and section 106.4, register the restricted weapon described in the application and issue a restricted weapon registration certificate therefor to the applicant, in such form as the Commissioner may prescribe, indicating thereon the place at which the holder of the certificate is thereby entitled to possess the restricted weapon.

(7) Sur réception d'une copie visée d'une demande de certificat d'enregistrement le commissaire doit, sous réserve des paragraphes (3) et (4) et de l'article 106.4, enregistrer l'arme à autorisation restreinte décrite dans la demande et délivrer au requérant un certificat d'enregistrement d'arme à autorisation restreinte pour cette arme, en la forme qu'il peut prescrire, en y indiquant l'endroit où le titulaire du certificat est autorisé à posséder l'arme à autorisation restreinte.

Certificat d'enregistrement

Limitation

(8) No place other than the usual dwelling house of the applicant for a registration certificate or his ordinary place of business may be indicated on the registration certificate as the place at which the holder of the certificate is thereby entitled to possess the restricted weapon to which the certificate relates.

(8) Ne peuvent apparaître sur le certificat d'enregistrement d'une arme à autorisation restreinte comme lieu où le titulaire du certificat est autorisé à avoir l'arme que vise le certificat en sa possession, que le lieu habituel d'habitation ou place d'affaires du requérant.

Réserve

Carriage Permits, Business Permits and Minors Permits

Permis de port d'armes, permis d'exploitation de fabrique d'armes et permis délivrés à des mineurs

Permit to carry restricted weapon

106.2 (1) A permit authorizing a person to have in his possession a restricted weapon elsewhere than at the place at which he is otherwise entitled to possess it, as indicated on the registration certificate issued in respect thereof, may be issued by the Commissioner, the Attorney General of a province, a chief provincial firearms officer or a member of a class of persons that has been designated in writing for that purpose by the Commissioner or the Attorney General of a province and shall remain in force until the expiration of the period for which it is expressed to be issued, unless it is sooner revoked.

Permis de port d'armes à autorisation restreinte

106.2 (1) Le commissaire, le procureur général d'une province, le chef provincial des préposés aux armes à feu ou les personnes d'une catégorie désignée par écrit à cette fin par le commissaire ou le procureur général d'une province peuvent délivrer un permis autorisant une personne à avoir en sa possession une arme à autorisation restreinte en un lieu autre que celui où, en vertu du certificat délivré pour cette arme, elle est en droit de la posséder; il demeure valide, sauf révocation, jusqu'au terme de la période pour laquelle il est déclaré avoir été délivré.

Limitation

(2) A permit described in subsection (1) may be issued only where the person authorized to issue it is satisfied that the applicant therefor requires the restricted weapon to which the application relates

(*a*) to protect life;

(*b*) for use in connection with his lawful profession or occupation;

(*c*) for use in target practice under the auspices of a shooting club approved for

Réserve

(2) Le permis visé au paragraphe (1) ne peut être délivré que lorsque la personne autorisée à le faire est convaincue que celui qui le sollicite requiert l'arme à autorisation restreinte visée par la demande

a) pour protéger des vies;

b) pour son travail ou occupation légitime;

c) pour le tir à la cible sous les auspices d'un club de tir approuvé aux fins du

the purposes of this section by the Attorney General of the province in which the premises of the shooting club are located; or

(*d*) for use in target practice in accordance with the conditions attached to the permit.

Permit to transport restricted weapon

(3) A permit to transport a restricted weapon from one place to another place specified therein may be issued by a local registrar of firearms to any person who is required to transport that weapon by reason of a change of residence or for any other *bona fide* reason, and shall remain in force until the expiration of the period for which it is expressed to be issued, unless it is sooner revoked.

Permit to convey restricted weapon

(4) A permit authorizing an applicant for a registration certificate to convey the weapon to which the application relates to a local registrar of firearms may be issued by a local registrar of firearms and shall remain in force until the expiration of the period for which it is expressed to be issued, unless it is sooner revoked.

Permit to carry on business

(5) A permit to carry on a business described in subsection 103(1) or subparagraph 103(2)(*b*)(i) may be issued by the Commissioner, the Attorney General or

présent article par le procureur général de la province où les locaux du club sont situés; ou

d) pour s'en servir dans le tir à la cible conformément aux conditions annexées au permis.

Permis de transport d'arme à autorisation restreinte

(3) Le registraire local d'armes à feu peut délivrer un permis autorisant le transport d'une arme à autorisation restreinte d'un endroit à un autre, spécifiés dans le permis, aux personnes obligées de la transporter en raison d'un changement de résidence ou de toute autre raison valable; le permis demeure valide, sauf révocation, jusqu'au terme de la période pour laquelle il est déclaré avoir été délivré.

Permis de transport pour fins d'examen

(4) Le registraire local d'armes à feu peut délivrer un permis autorisant le requérant d'un certificat d'enregistrement à lui apporter l'arme pour laquelle il demande le certificat; il demeure valide, sauf révocation, jusqu'au terme de la période pour laquelle il est déclaré avoir été délivré.

Permis d'exploiter une entreprise

(5) Le commissaire, le procureur général de la province où est située ou prévue l'entreprise, le chef provincial des préposés aux armes à feu de cette province ou toute

chief provincial firearms officer of the province where the business is or is to be carried on or by any person whom the Attorney General or the Commissioner designates in writing for that purpose and shall remain in force until the expiration of the period, not exceeding one year, for which it is expressed to be issued, unless it is sooner revoked.

personne que le procureur général de la province ou le chef provincial des préposés aux armes à feu nomment par écrit à cette fin peuvent délivrer des permis pour l'exploitation des entreprises visées au paragraphe 103(1) ou au sous-alinéa 103(2)*b*)(i); ces permis demeurent valides, sauf révocation, jusqu'au terme de la période, d'un an au maximum, pour laquelle ils sont déclarés avoir été délivrés.

Permits for persons hunting as a way of life

(6) A permit to possess a firearm, other than a restricted weapon, may be issued by a firearms officer to a person under the age of sixteen years who hunts or traps as a way of life if the firearms officer is satisfied that the person needs to hunt or trap in order to sustain himself or his family and the application for the permit includes a consent to the issuance of the permit signed by a parent of the applicant or, if a consent by a parent cannot be obtained because of the death of both parents or for any other reason it is not practicable or desirable in the opinion of the firearms officer to whom the application is made to obtain a parent's consent, a person having custody or control of the applicant.

Permis en cas de chasse de subsistance

(6) Les préposés aux armes à feu peuvent délivrer un permis de possession d'armes à feu, à l'exclusion d'une arme à autorisation restreinte, aux personnes de moins de seize ans pour qui la chasse ou le trappage constituent un mode de vie pourvu qu'ils soient convaincus qu'elles ont besoin de chasser ou de trapper pour subvenir à leurs besoins ou à ceux de leur famille et que la demande de permis comporte une déclaration d'assentiment à sa délivrance signée par les père ou mère du requérant ou, si elle ne peut être obtenue à cause de leur décès ou encore, si, de l'avis du préposé auquel la demande est présentée, il est inopportun de chercher à l'obtenir, par la personne qui a la garde du requérant.

Permit to person between 12 and 16 years of age

(7) A permit authorizing a person who is twelve or more years of age but under the age of sixteen years to possess a firearm, other than a restricted weapon, may be issued by a firearms officer if he is satisfied that the applicant therefor requires such a permit in order to enable him to possess a firearm for the purpose of target practice, game hunting or instruction in the use of firearms in accordance with conditions for supervision attached to the permit and the application for the permit includes a consent to the issuance of the permit signed by a parent of the applicant or, if a consent by a parent cannot be obtained because of the death of both parents or for any other reason it is not practicable or desirable in the opinion of the firearms officer to whom the application is made to obtain a parent's consent, a person having custody or control of the applicant.

(7) Les préposés aux armes à feu peuvent délivrer un permis autorisant la possession d'une arme à feu, à l'exclusion d'une arme à autorisation restreinte, par une personne âgée d'au moins douze ans mais de moins de seize ans s'ils sont convaincus que le requérant requiert cette arme à feu pour s'adonner au tir à la cible ou à la chasse ou pour s'entraîner au maniement des armes à feu conformément aux conditions de surveillance jointes au permis, pourvu que la demande de permis comporte une déclaration d'assentiment à sa délivrance signée par les père ou mère du requérant ou, si elle ne peut être obtenue à cause de leurs décès, ou encore, si, de l'avis du préposé auquel la demande est présentée, il est inopportun de chercher à l'obtenir, par la personne qui a la garde du requérant.

Permis pour une personne de moins de 16 ans mais de plus de 12 ans

Idem

(8) A permit mentioned in subsection (6) or (7) shall remain in force until

(*a*) the expiration of the period for which it is expressed to be issued, or

(*b*) the person to whom it is issued attains the age of sixteen years,

whichever first occurs, unless it is sooner revoked.

(8) Sauf révocation, le permis, visé aux paragraphes (6) ou (7), demeure valide

a) jusqu'à l'expiration de la période pour laquelle il est déclaré avoir été délivré, ou

b) jusqu'à ce que la personne à laquelle il a été délivré atteigne l'âge de seize ans,

Idem

Where no fee payable and fee for business permits

(9) Permits mentioned in subsections (1), (3), (4), (6) and (7) shall be issued without payment of a fee but no permit mentioned in subsection (5) may be issued unless the application therefor is accompanied by the prescribed fee.

Validity of permit

(10) No permit, other than

(*a*) a permit for the possession of a restricted weapon for use as described in paragraph (2)(*c*),

(*b*) a permit to transport a restricted weapon from one place to another place specified therein as mentioned in subsection (3), or

(*c*) a permit authorizing an applicant for a registration certificate to convey the weapon to which the application relates to a local registrar of firearms as mentioned in subsection (4),

is valid outside the province in which it is issued unless it is issued by the Commissioner or a person designated in writing by him and authorized in writing by him to issue permits valid outside the province and is endorsed for the purposes of this subsection by the person who issued it as being valid within the provinces indicated therein.

selon la première éventualité qui se réalise.

Permis assortis ou non de frais de délivrance

(9) La délivrance des permis visés aux paragraphes (1), (3), (4), (6) et (7) n'est assortie d'aucuns frais mais les permis visés au paragraphe (5) ne sont délivrés que lorsque les frais prévus pour leur délivrance accompagnent la demande.

Validité d'un permis

(10) Aucun permis n'est valide hors de la province dans laquelle il est délivré à moins, d'une part, qu'il ne le soit par le commissaire ou par la personne qu'il a nommée et autorisée par écrit à cet effet et, d'autre part, que la personne qui le délivre appose, aux fins du présent paragraphe, un visa indiquant les provinces où il est valide ou à moins enfin, qu'il ne s'agisse des permis suivants:

a) le permis de possession d'une arme à autorisation restreinte, devant être utilisées comme l'indique l'alinéa (2)*c*);

b) le permis, mentionné au paragraphe (3), de transport d'une arme à autorisation restreinte d'un endroit à un autre endroit indiqués dans le permis; ou

c) le permis visé au paragraphe (4) autorisant la personne qui demande un certificat d'enregistrement à apporter pour fins d'examen l'arme visée par la

demande à un registraire local d'armes à feu.

Form and conditions of permit

(11) Every permit shall be in a form prescribed by the Commissioner, but any person who is authorized to issue a permit relating to any restricted weapon, firearm or ammunition may attach to the permit any reasonable condition relating to the use, carriage, possession, handling or storage of weapons or ammunition that he deems desirable in the particular circumstances and in the interests of the safety of the applicant or any other person.

(11) Chaque permis doit être en la forme prescrite par le commissaire, mais toute personne qui est autorisée à délivrer un permis relatif à une arme à autorisation restreinte, à une arme à feu ou à des munitions peut, quant à l'utilisation, au port, à la manipulation, à l'entreposage ou à la possession des armes ou des munitions assortir le permis des conditions raisonnables qu'il estime souhaitables eu égard aux circonstances particulières du cas et à la sécurité de son titulaire et d'autrui.

Forme et conditions d'un permis

Agreements with provinces

106.3 The Solicitor General, with the approval of the Governor in Council, may enter into agreements with the governments of the provinces providing for payments by Canada to the provinces in respect of costs actually incurred by the provinces in the administration of sections 103, 104 and subsection 106.2(5).

106.3 Le solliciteur général peut, avec l'approbation du gouverneur en conseil, conclure des accords avec les gouvernements des provinces prévoyant le paiement par le Canada des dépenses effectivement engagées par les provinces dans l'administration des articles 103, 104 et du paragraphe 106.2(5).

Accords avec les provinces

Refusal to Issue and Revocation of Registration Certificates and Permits and Appeals

Certificats d'enregistrement et permis refusés ou révoqués et appels consécutifs

Revocation of certificate

106.4 (1) A Registration certificate may be revoked by the Commissioner.

106.4 (1) Le commissaire peut révoquer les certificats d'enregistrement.

Révocation d'un certificat

Revocation of permit

(2) A permit may be revoked by any person who is authorized to issue such a permit.

Refusal to issue a certificate

(3) The Commissioner may refuse to issue a registration certificate where he has notice of any matter that may render it desirable in the interests of the safety of the applicant or any other person that the applicant should not possess a restricted weapon.

Refusal to issue a permit

(4) Any person who is authorized to issue a permit under any of subsections 106.2(3) to (7) may refuse to issue such a permit where he has notice of any matter that may render it desirable in the interests of the safety of the applicant or any other person that such a permit should not be issued to the applicant.

Notice to be given

(5) Where a registration certificate or permit is revoked or the issue of any registration certificate or permit is refused under this section, the person by whom it is revoked or by whom its issue is refused shall notify the holder of the registration certificate or permit or the applicant, as the case may be, in writing of such revocation or refusal and of his reasons therefor and shall include in such notification a

Révocation d'un permis

(2) Toute personne autorisée à délivrer un permis peut le révoquer.

Refus de délivrer un certificat

(3) Le commissaire peut refuser de délivrer un certificat d'enregistrement lorsque sont portés à sa connaissance des causes susceptibles de rendre souhaitable pour la sécurité du requérant, ou pour celle d'autrui, que celui-ci ne soit pas autorisé à avoir des armes à autorisation restreinte en sa possession.

Refus de délivrer un permis

(4) Les personnes autorisées à délivrer un permis en vertu des paragraphes 106.2(3) à (7), selon le cas, peuvent refuser de le faire lorsqu'elles ont connaissance de quelque cause susceptible de rendre souhaitable pour la sécurité du requérant ou pour celle d'autrui que le permis ne lui soit pas délivré.

Notification

(5) La personne qui révoque ou refuse de délivrer, en vertu du présent article, un permis ou un certificat d'enregistrement doit donner au titulaire ou au requérant qui les sollicite, selon le cas, un avis écrit de cette révocation ou de ce refus en y indiquant les motifs; elle doit y joindre une copie ou un extrait des dispositions du présent article.

copy or an extract of the provisions of this section.

Disposal of restricted weapons, etc.

(6) A notice under subsection (5) shall specify therein a reasonable period of time within which the person affected by the revocation or refusal may surrender to a police officer or otherwise lawfully dispose of any restricted weapon, firearm or ammunition lawfully possessed by him prior to the revocation or refusal the possession of which by him has thereby become unlawful, and such person is not liable to prosecution by reason only of his having any such restricted weapon, firearm or ammunition in his possession during such period of time.

Idem

(7) Where an appeal is taken under subsection (8), the period of time referred to in subsection (6) does not commence until that appeal is finally disposed of.

Appeal

(8) A person who feels himself aggrieved by

(*a*) any action or decision taken under this section, or

(*b*) the failure of a local registrar of firearms to indicate on the copy of an application for a registration certificate that is sent by him to the Commissioner

Disposition des armes, etc.

(6) L'avis prévu au paragraphe (5) doit indiquer qu'un délai raisonnable, lequel doit être spécifié, est accordé à la personne visée par la révocation ou le refus pour disposer légalement, en les remettant à un officier de police ou autrement, des armes à autorisation restreinte, autres armes à feu ou munitions qu'elle possédait jusqu'alors légitimement mais qu'elle ne peut plus légalement avoir en sa possession. Pendant ce délai, aucune poursuite ne peut être intentée contre elle pour possession de ces armes ou munitions.

Idem

(7) Lorsque appel est interjeté en vertu du paragraphe (8), le délai mentionné au paragraphe (6) ne commence à courir qu'après la décision finale sur l'appel.

Appel

(8) Les personnes qui s'estiment lésées

a) par une mesure ou décision prise en vertu du présent article; ou

b) par l'omission du registraire local d'armes à feu de faire, sur la copie de la demande de certificat d'enregistrement qu'il envoie au commissaire en application du paragraphe 106.1(5), une ins-

pursuant to subsection 106.1(5), any of the matters referred to in subsections 106.1(3) and (4) that is applicable in respect of the application,

may, within thirty days from the day on which he was notified of the action or decision or became aware of the failure, unless before or after the expiration of that period further time is allowed by a magistrate, appeal to a magistrate from the action, decision or failure by filing with the magistrate a notice of appeal, setting out with reasonable certainty the action, decision or failure complained of and the grounds of appeal, together with such further material as the magistrate may require.

Service of notice of appeal

(9) A copy of any notice of appeal filed with a magistrate under subsection (8) and of any further material required to be filed therewith shall be served within fourteen days of the filing of the notice, unless before or after the expiration of that period further time is allowed by a magistrate, on the person who took the action or decision or who was responsible for the failure being appealed from or on such other person as the magistrate may direct.

cription visée aux paragraphes 106.1(3) et (4) ayant trait à la demande,

peuvent, dans les trente jours de la notification de la mesure ou décision, ou de la découverte de l'omission, sous réserve de prorogation accordée par un magistrat avant ou après expiration de ce délai, interjeter appel de la mesure, de la décision, ou du fait d'avoir omis de faire l'inscription en cause, devant un magistrat en produisant devant lui un avis d'appel indiquant avec une précision raisonnable la mesure, la décision ou l'omission dont elles se plaignent, les motifs de l'appel ainsi que tout autre élément qu'il pourrait exiger.

Signification de l'avis d'appel

(9) Une copie de tout avis d'appel produit devant un magistrat en vertu du paragraphe (8), et de tout autre élément dont la production est requise avec cet avis d'appel, doit être signifiée dans les quatorze jours de la production de l'avis, sauf prorogation accordée par un magistrat avant ou après l'expiration de ce délai, à la personne qui a pris la mesure ou la décision, ou qui est responsable de l'omission dont il est fait appel, ou à telle autre personne qu'indique le magistrat.

Appellant as witness

(10) For the purposes of an appeal under subsection (8), the appellant is a competent and compellable witness.

Disposition of appeal

(11) On the hearing of an appeal under subsection (8), the magistrate may

(*a*) dismiss the appeal; or

(*b*) allow the appeal and

(i) cancel the revocation of the registration certificate or permit or direct that a registration certificate or permit be issued to the applicant, as the case may be, or

(ii) direct that a registration certificate be issued notwithstanding the failure referred to in paragraph (8)(*b*).

Burden on applicant

(12) A magistrate shall dispose of an appeal under subsection (8) heard by him by dismissing it unless the applicant establishes to the satisfaction of the magistrate that a disposition referred to in paragraph (11)(*b*) is warranted.

Appeal to appeal court

(13) Where the magistrate

(*a*) dismisses an appeal under subsection (11), the appellant, or

(*b*) allows an appeal under subsection (11),

(10) Aux fins d'un appel en vertu du paragraphe (8), l'appelant est un témoin compétent et contraignable.

Témoignage de l'appelant

(11) Sur audition d'un appel en vertu du paragraphe (8), le magistrat peut

a) rejeter l'appel, ou

b) admettre l'appel et

(i) annuler la révocation du certificat d'enregistrement ou du permis ou ordonner qu'un certificat d'enregistrement ou un permis, selon le cas, soit délivré au requérant, ou

(ii) ordonner la délivrance du certificat d'enregistrement nonobstant l'omission visée à l'alinéa (8)*b*).

Suite donnée à l'appel

(12) Le magistrat doit rejeter l'appel entendu en vertu du paragraphe (8) à moins que l'appelant ne prouve, à la satisfaction du magistrat, que l'une des dispositions de l'alinéa (11)*b*) est justifiée.

Fardeau de la preuve

(13) Peuvent, devant la cour d'appel, les dispositions de la Partie XXIV s'appliquant *mutatis mutandis*, sauf les articles 752 à 752.3 et 761 à 770, interjeter l'appel de la décision d'un magistrat, les personnes suivantes:

Appel porté devant la cour d'appel

(i) the Attorney General of Canada or counsel instructed by him for the purpose, if the person who took the action or decision or who was responsible for the failure referred to in paragraph (8)(*b*) that was appealed from to the magistrate was the Commissioner or a local registrar of firearms appointed by him, or

(ii) the Attorney General or counsel instructed by him for the purpose, in any other case,

may appeal to the appeal court against the dismissal or against the allowing of the appeal, as the case may be, and the provisions of Part XXIV except sections 752 to 752.3 and sections 761 to 770 apply, *mutatis mutandis*, in respect of such an appeal.

Definitions

(14) In this section,

"magistrate"

"magistrate" means a magistrate having jurisdiction in the territorial division where the person who feels himself aggrieved as described in subsection (8) resides;

"appeal court"

"appeal court" has the meaning given that expression in subsection 98(11).

a) l'appelant dont, en vertu du paragraphe (11) le magistrat rejette l'appel; ou

b) lorsque le magistrat accueille l'appel en vertu du paragraphe (11),

(i) le procureur général du Canada ou un procureur constitué par lui à cette fin, si la personne qui a pris la mesure ou la décision, ou qui est responsable de l'omission visée à l'alinéa (8)*b*), dont il a été fait appel devant le magistrat est le commissaire ou un registraire local d'armes à feu qu'il a nommé, ou

(ii) le procureur général ou un procureur constitué par lui à cette fin dans tout autre cas.

Définitions

(14) Au présent article,

«cour d'appel»

«cour d'appel» a le sens que lui donne le paragraphe 98(11);

«magistrat»

«magistrat» désigne un magistrat compétent dans la circonscription territoriale où réside la personne qui s'estime lésée, telle que décrite au paragraphe (8).

False statements to procure firearms acquisition certificate, etc.

106.5 (1) Every one who, for the purpose of procuring a firearms acquisition certificate, registration certificate or permit for himself or any other person, knowingly makes a statement orally or in writing that is false or misleading or knowingly fails to disclose any information that is relevant to the application for the firearms acquisition certificate, registration certificate or permit

(*a*) is guilty of an indictable offence and is liable to imprisonment for two years; or

(*b*) is guilty of an offence punishable on summary conviction.

Tampering with firearms acquisition certificate, registration certificate or permit

(2) Every one who, without lawful excuse the proof of which lies on him, alters, defaces or falsifies a firearms acquisition certificate, registration certificate or permit

(*a*) is guilty of an indictable offence and is liable to imprisonment for two years; or

(*b*) is guilty of an offence punishable on summary conviction.

Fausse déclaration afin d'obtenir une autorisation d'acquisition d'armes à feu

106.5 (1) Est coupable

a) d'un acte criminel et passible d'un emprisonnement de deux ans, ou

b) d'une infraction punissable sur déclaration sommaire de culpabilité,

quiconque, afin d'obtenir, ou de faire obtenir à quelque autre personne, une autorisation d'acquisition d'armes à feu, un certificat d'enregistrement ou un permis, fait sciemment, oralement ou par écrit, une déclaration fausse ou trompeuse ou, en toute connaissance de cause, s'abstient de divulguer un renseignement pertinent pouvant s'y rapporter.

Falsification d'autorisation d'acquisition d'armes à feu, de certificat ou de permis d'enregistrement

(2) Est coupable

a) d'un acte criminel et passible d'un emprisonnement de deux ans, ou

b) d'une infraction punissable sur déclaration sommaire de culpabilité,

quiconque, sans excuse légitime, dont la preuve lui incombe, modifie, maquille ou falsifie une autorisation d'acquisition d'armes à feu, un certificat d'enregistrement ou un permis.

Failure to comply with conditions of permit

(3) Every one who, without lawful excuse, fails to comply with any condition of a permit held by him

(*a*) is guilty of an indictable offence and is liable to imprisonment for two years; or

(*b*) is guilty of an offence punishable on summary conviction.

Inobservation des modalités d'un permis

(3) Est coupable

a) d'un acte criminel et passible d'un emprisonnement de deux ans, ou

b) d'une infraction punissable sur déclaration sommaire de culpabilité,

quiconque, sans excuse légitime, ne respecte pas les conditions du permis dont il est titulaire.

Failure to deliver up firearms acquisition certificate, etc.

(4) Every one who,

(*a*) being a holder of a registration certificate or permit that is revoked in accordance with this Part, or

(*b*) being a person against whom an order prohibiting possession of any firearm or ammunition is made under section 98 or paragraph 101(6)(*b*), or being prohibited by a condition of a probation order referred to in paragraph 663(2)(*d*) from having a firearm in his possession,

fails to deliver up the registration certificate or permit or, in a case described in paragraph (*b*), any firearms acquisition certificate, registration certificate or permit held by him, to a peace officer, to a local registrar of firearms or to a firearms officer forthwith after such suspension or revocation or the making of such order or

Défaut de remettre une autorisation d'acquisition d'armes à feu, etc.

(4) Sont coupables d'une infraction punissable sur déclaration sommaire de culpabilité

a) le titulaire d'une autorisation d'acquisition d'armes à feu, d'un certificat d'enregistrement ou d'un permis révoqués conformément à la présente Partie, ou

b) la personne que vise une ordonnance rendue en vertu de l'article 98 ou de l'alinéa 101(6)*b*), lui interdisant de posséder des armes à feu ou des munitions, ou celle que vise une ordonnance de probation, rendue en vertu de l'alinéa 663(2)*d*), lui interdisant de posséder des armes à feu,

qui ne remettent pas ces certificats d'enregistrement ou permis ou qui, immédiatement après cette suspension, révocation ou ordonnances rendues, ne remettent pas,

probation order, is guilty of an offence punishable on summary conviction.

Registry

Registry to be maintained

106.6 (1) The Commissioner shall cause a registry to be maintained in which shall be kept a record of

(*a*) every registration certificate that is issued under section 106.1;

(*b*) every registration certificate that is revoked under subsection 106.4(1);

(*c*) every application for a registration certificate that is refused under subsection 106.4(3);

(*d*) every permit issued under subsection 106.2(5) that is revoked under subsection 106.4(2);

(*e*) every application for a permit under subsection 106.2(5) that is refused under subsection 106.4(4);

(*f*) every application for a firearms acquisition certificate that is refused;

(*g*) every prohibition order made under section 98 or paragraph 101(6)(*b*); and

dans le cas prévu à l'alinéa *b*), tous les permis, autorisations d'acquisition d'armes à feu ou certificats d'enregistrement dont ils sont titulaires, à un agent de la paix, à un registraire local d'armes à feu ou à un préposé aux armes à feu.

Registre des armes à feu

Registre à tenir

106.6 (1) Le commissaire fait tenir un registre où doivent être notés

a) chaque certificat d'enregistrement délivré en vertu de l'article 106.1;

b) chaque certificat d'enregistrement révoqué en vertu du paragraphe 106.4(1);

c) chaque demande de certificat d'enregistrement qui est refusée en vertu du paragraphe 106.4(3);

d) chaque permis délivré en vertu du paragraphe 106.2(5) qui est révoqué en vertu du paragraphe 106.4(2);

e) chaque demande d'un permis en vertu du paragraphe 106.2(5) qui est refusée en vertu du paragraphe 106.4(4);

f) chaque demande d'autorisation d'acquisition d'armes à feu refusée;

g) chaque ordonnance d'interdiction

(*h*) every probation order to which a condition referred to in paragraph 663(2)(*d*) is attached.

Information to be submitted to Commissioner

(2) Each person by whom

(*a*) a firearms acquisition certificate or permit is issued,

(*b*) a permit is revoked, or

(*c*) an application for a permit is refused,

shall submit such information in relation thereto at such time and in such form as is prescribed by the regulations for the purpose of enabling the Commissioner to compile the reports referred to in section 106.9.

Idem

(3) Every firearms officer by whom an application for a firearms acquisition certificate is refused, every person by whom an application for a permit under subsection 106.2(5) is refused or by whom a permit issued under that subsection is revoked, every court, judge, justice or magistrate that makes a prohibition order under section 98 or paragraph 101(6)(*b*) and every court that prescribes as a condition of a probation order a condition

rendue en vertu de l'article 98 ou de l'alinéa 101(6)*b*); et

h) chaque ordonnance de probation comportant une modalité visée à l'alinéa 663(2)*d*).

Renseignements à fournir au commissaire

(2) Afin de permettre au commissaire de rédiger les rapports visés à l'article 106.9, les personnes suivantes doivent remettre tous les renseignements que les règlements demandent, de la façon et aux moments qu'ils indiquent:

a) celui qui délivre une autorisation d'acquisition d'armes à feu ou un permis;

b) celui qui révoque un permis;

c) celui qui refuse une demande de permis.

Idem

(3) Tout préposé aux armes à feu qui refuse une demande d'autorisation d'acquisition d'armes à feu, toute personne qui refuse une demande de permis en vertu du paragraphe 106.2(5) ou qui révoque un permis en vertu de ce même paragraphe, tout tribunal, juge, juge de paix ou magistrat qui rend une ordonnance d'interdiction en vertu de l'article 98 ou de l'alinéa 101(6)*b*), de même que tout tribunal qui insère dans une ordonnance de probation

referred to in paragraph 663(2)(*d*) shall forthwith cause the Commissioner to be notified thereof.

une modalité visée à l'alinéa 663(2)*d*), doit voir à ce que le commissaire en soit aussitôt averti.

General

Dispositions générales

Onus on the accused

106.7 (1) Where, in any proceedings under any of sections 83 to 106.5, any question arises as to whether a person is or was the holder of a firearms acquisition certificate, registration certificate or permit, the onus is on the accused to prove that that person is or was the holder of such firearms acquisition certificate, registration certificate or permit.

Preuve incombant à l'inculpé

106.7 (1) Dans toute procédure engagée en vertu des articles 83 à 106.5, c'est à l'inculpé qu'il incombe de prouver que telle ou telle personne est ou était titulaire d'une autorisation d'acquisition d'armes à feu, d'un certificat d'enregistrement ou d'un permis lorsque cette question se pose.

Firearms acquisition certificate, etc., as evidence

(2) In any proceedings under any of sections 83 to 106.5, a document purporting to be a firearms acquisition certificate, registration certificate or permit is evidence of the statements contained therein.

Authenticité des autorisations d'acquisition d'armes à feu, etc.

(2) Dans toute procédure engagée en vertu des articles 83 à 106.5, un document donné comme étant une autorisation d'acquisition d'armes à feu, un certificat d'enregistrement ou un permis fait preuve des déclarations qui y sont contenues.

Regulations

106.8 The Governor in Council may make regulations

Règlements

106.8 Le gouverneur en conseil peut, par règlement

(*a*) regulating the handling, secure storage, display and advertising of restricted weapons, firearms and ammunition by persons carrying on businesses described in subsection 103(1) or subparagraph 103(2)(*b*)(i) and providing authority for police officers and police constables and

a) régir la manipulation, la sûreté de l'entreposage, la mise en montre et la publicité faite par les exploitants d'une entreprise visée au paragraphe 103(1) ou au sous-alinéa 103(2)*b*)(i), des armes à autorisation restreinte, armes à feu et munitions dont ils disposent; accorder

members of any other class of persons designated for the purposes of a province by the Attorney General of that province to enter any place where any such business is carried on, at any time during ordinary business hours, for the purpose of inspecting the secure storage facilities therein and the manner in which restricted weapons, firearms and ammunition are handled and displayed in the course of the business;

(*b*) regulating the handling, secure storage and display of weapons by operators of and persons employed in museums approved for the purposes of this Part by the Commissioner or the Attorney General of the province in which they are situated;

(*c*) regulating the mail-order sale of restricted weapons, firearms and ammunition by persons carrying on businesses described in subsection 103(1) or subparagraph 103(2)(*b*)(i);

(*d*) providing for the secure handling, shipping, storing and transportation of firearms and ammunition by persons engaged in businesses that include the transportation of goods;

(*e*) prescribing the fees to be paid to Her Majesty in right of Canada on

aux officiers, aux agents de police et aux personnes de toute autre catégorie désignée pour les fins d'une province par le procureur général de celle-ci, l'autorisation de pénétrer, en tout temps au cours des heures d'ouverture normale, en tout lieu où s'exploite semblable entreprise afin d'y inspecter les installations d'entreposage et de vérifier la façon dont sont manipulés et mises en montre les armes à autorisation restreinte, les armes à feu et les munitions dans le cours ordinaire des affaires de l'entreprise;

b) régir la manipulation, l'entreposage et la mise en montre des armes par les conservateurs et employés des musées approuvés aux fins de la présente Partie par le commissaire ou le procureur général de la province où ils sont situés;

c) régir la vente postale, par les exploitants d'entreprises visées au paragraphe 103(1) ou au sous-alinéa 103(2)*b*)(i), des armes à autorisation restreinte, des armes à feu et des munitions;

d) assurer la sécurité de la manipulation, de l'expédition, de l'entreposage et du transport des armes à feu et des munitions effectués par les exploitants des entreprises s'adonnant au transport des marchandises;

filing applications for permits mentioned in subsection 106.2(5);

(*f*) prescribing classes of firearms that shall be deemed to be relics for the purposes of this Part;

(*g*) prescribing conditions relating to the storage, display, handling and transportation of restricted weapons that form part of gun collections of *bona fide* gun collectors;

(*h*) authorizing the destruction, at such times as are specified in the regulations, of such records and inventories that are required by the provisions of this Part to be maintained as are designated in the regulations; and

(*i*) prescribing anything that is, by any provision of this Part, required to be prescribed by the regulations.

e) établir les frais payables à Sa Majesté du chef du Canada pour les demandes de permis visés au paragraphe 106.2(5);

f) établir en application de la présente Partie, des catégories d'armes à feu réputées constituer des antiquités ou des souvenirs;

g) prescrire les conditions relatives à l'entreposage, à la mise en montre, à la manipulation et au transport des armes à autorisation restreinte qui font partie des collections d'armes à feu des véritables collectionneurs d'armes à feu;

h) autoriser la destruction, aux moments prévus par règlement, de certains registres et inventaires désignés par ces règlements et dont la tenue est exigée par la présente Partie; et

i) prescrire tout ce qui, en vertu de la présente Partie, doit l'être par règlement.

Report to Parliament

106.9 The Commissioner shall, within three months after the end of each year and at such other times as the Solicitor General of Canada may, in writing, request, submit to the Solicitor General a report, in such form and setting forth such information as the Solicitor General may

106.9 Le commissaire doit, dans les trois premiers mois de chaque année et, en sus, à chaque fois que le solliciteur général du Canada en fait la demande par écrit, lui remettre un rapport rédigé en la forme et contenant les renseignements qu'il exige en matière d'application des dispositions

Rapport au Parlement

direct, with regard to the administration of the provisions of this Part respecting firearms acquisition certificates, registration certificates and permits and the information contained in the registry maintained pursuant to section 106.6, and the Solicitor General shall cause each such report to be laid before Parliament within fifteen days after the receipt thereof by him, or, if Parliament is not then sitting, on any of the first fifteen days next thereafter that Parliament is sitting."

de la présente Partie relatives aux autorisations d'acquisition d'armes à feu, aux certificats d'enregistrement et aux permis ainsi qu'au sujet des renseignements contenus dans le registre des armes à feu tenu conformément à l'article 106.6; le solliciteur général du Canada voit à ce que chacun de ces rapports soit déposé devant le Parlement dans les quinze jours de leur réception ou, le cas échéant, dans les quinze premiers jours de la séance suivante.»

Consequential amendment

4. (1) The definition "sentence" in section 601 and subsection 720(1) of the said Act is amended by striking out the reference to "section 95" therein and substituting therefor a reference to "subsection 98(1) or (2)".

Modification corrélative

4. (1) Le renvoi à l'article 95 de la définition de «sentence» à l'article 601 et au paragraphe 720(1) de ladite loi, est remplacé par un renvoi aux paragraphes 98(1) ou (2).

Firearms amnesty periods

(2) Where the Governor in Council, either before or after the coming into force of this section, by proclamation has declared or declares a period of time specified in the proclamation to be a firearms amnesty period, no person who, during such period, delivers a firearm or other offensive weapon to a peace officer, local registrar of firearms or firearms officer for registration or destruction or other disposition as provided in the proclamation is, by reason only of the fact that he was in possession of such firearm

Délai d'amnistie

(2) Au cours d'un délai fixé par proclamation du gouverneur en conseil, antérieurement ou postérieurement à l'entrée en vigueur du présent article, délai proclamé délai d'amnistie à l'égard des armes à feu, quiconque remet une arme à feu ou quelque autre arme offensive à un agent de la paix, à un registraire local d'armes à feu ou à un préposé aux armes à feu, pour qu'il l'enregistre, la détruise ou en dispose autrement, tel que prévu dans la proclamation, n'est pas, du seul fait qu'il était en possession de l'arme

or weapon prior to such delivery or by reason only of the fact that he transported such firearm or other offensive weapon for purposes of such delivery, guilty of an offence under any of sections 83 to 106 of the *Criminal Code* as they read before the coming into force of section 3 of this Act or of an offence under Part II.1 of the *Criminal Code* as enacted by section 3 of this Act.

avant de la remettre, ni du fait qu'il l'a transportée afin de la remettre, coupable d'une infraction prévue aux anciens articles 83 à 106 du *Code criminel*, tels qu'ils se lisaient avant l'entrée en vigueur de l'article 3 de la présente loi, ni d'une infraction prévue par la nouvelle Partie II.1 du *Code criminel* édicté par l'article 3 de la présente loi.

Idem

(3) Any proceedings taken under any of sections 83 to 106 of the *Criminal Code* before the coming into force of this section against any person for any action taken by him in reliance on subsection (2) following any proclamation referred to therein are null and void.

Idem

(3) Il ne peut, à peine de nullité, être intenté, avant l'entrée en vigueur du présent article, aucune procédure en vertu des articles 83 à 106 du *Code criminel* contre toute personne ayant agi en s'appuyant sur le paragraphe (2) postérieurement à la proclamation qui y est mentionnée.